

Minutes of the Planning Commission meeting held on Thursday, May 17, 2018, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair
Scot Woodbury
Lisa Milkavich
Ned Hacker
Jared Hall, Community & Economic Development Supervisor
Jim McNulty, Development Services Manager
Zac Smallwood, Associate Planner
Briant Farnsworth, Deputy City Attorney
Citizens

Excused: Maren Patterson
Phil Markham
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 May 3, 2018 Planning Commission meeting. Seconded by Ms. Milkavich.

A voice vote was made, motion passes 4-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve the Findings of Fact for Master Blaster Restoration, LLC, Mobilitie (SWF), Fashion Place Mall and Larry H. Miller Auto Sales. Mr. Hacker seconded the motion.

A voice vote was made, motion passes 4-0.

KANGAROO ZOO – 5983 South State Street - Project #18-50

Michael Dean was present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow an Indoor Family Entertainment Center business on the property addressed 5983 South State Street in the C-D Zone. Mr. Hall stated the building is 20,845 square feet and would have several inflatable bounce houses, slides, large arcade area, play structures and play rooms. Some minor remodeling will take place and be handled through the Building Department. There is a small kitchen facility that will serve prepared snack and drinks with a small seating area. The parking lot is sufficient for the needs of the business and no additional changes are suggested. Based on the information presented in this report, application materials submitted and the site review, Staff recommends that the Planning Commission approve of a Conditional Use Permit to allow an

Indoor Family Entertainment Center at the property addressed 5983 South State Street.

Mr. Nay asked about condition number 3 and asked why Staff is limiting the hours of operation. Mr. Hall answered that Staff did not propose to limit the hours of operation, instead these are the hours that the owners of Kangaroo Zoo submitted as their hours of operation. Mr. Nay asked if Staff would have a problem if they were to stay open until 10:00 p.m. Mr. Hall answered that this business is not adjacent to residential uses and added that he would feel comfortable if the Commissioners want to modify the hours. Mr. Nay asked if it is necessary to list a condition for the hours of operation. Mr. Woodbury stated he agreed that the hours of operation should not be included in the conditions and it would be better to let the business set and alter their own hours of operation because the City is not trying to mitigate anything. Mr. McNulty added that the applicants submitted them in the application. Mr. Hall answered that he would feel comfortable to allow an extension by an additional hour but pointed out that the condition does state the hours of operation are "established" and are not stated as "shall be limited to".

Michael Dean, 3803 South Ashland Drive, stated he has reviewed the conditions and will be able to comply. Mr. Dean added that he indicated the business will operate during those hours because it is the same hours of operation for the other similar business he owns. Mr. Dean added that he would appreciate extended hours of operation because on a few occasions that a private party has rented the facility and they have stayed a little late, but it is rare. Mr. Nay asked if he is alright with the condition as it is listed, or would he like it changed. Mr. Dean stated because the chance of operating past 9:00 p.m. is so rare he is fine with the condition as written by staff.

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

Ms. Milkavich made a motion to approve a Conditional Use Permit for Kangaroo Zoo, an indoor family entertainment center, at the property addressed 5983 South State Street, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain Murray City building permits for any remodeling, including a change of use analysis and adhere to all recommendations of the analysis.
3. The hours of operation are established as outlined in the staff report, Monday to Thursday, 10:00 a.m. – 8:00 p.m. and Friday to Sunday, 10:00 a.m. – 9:00 p.m.
4. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
5. The applicants shall obtain a Murray City Business License and pay applicable fees prior to commencing operations at the facility.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Hall.

 A Lisa Milkavich

A Scot Woodbury
 A Travis Nay
 A Ned Hacker

Motion passed 4-0.

RED DESERT PAINTING – 4195 South 500 West # 21 - Project #18-51

Jason Terry was present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow for the operation of a Painting Contractor business from the property addressed 4195 South 500 West, Unit #21 in the M-G Zone. Mr. Hall stated the unit is 900 square feet with a single overhead man door, restroom, shop and warehouse space. The applicant has indicated that the space would be used for storage of tools, equipment, and for the painting of doors and furniture. The only proposed modification to the unit is the installation of an open spray booth for painting doors and furniture on site. The installation and use of the paint booth will need to be reviewed by the Building and Fire Departments through the permitting process. There are three parking stalls available and Staff has determined this will meet the needs of this business as it is not a meeting place for employees. The applicant also runs a business in Tooele and this will be a second, more centrally located shop for storage of equipment. Based on the information presented in this report, application materials submitted and the site review, Staff recommends that the Planning Commission approve a Conditional Use Permit to allow the operation of a Painting Contractor business from the property addressed 4195 South 500 West, Unit #21.

Jason Terry, 346 Melba Drive, Tooele, stated he has reviewed the conditions and will be able to comply.

Ms. Milkavich asked how the applicant produces and disposes of the paint he uses. Mr. Terry answered that they use Mineral Spirits for cleaning. He stated that usually the rags are air dried and then thrown away. Any collected waste is taken to a Hazardous Water Facility at the landfill. Ms. Milkavich stated that sounds reasonable.

Mr. Woodbury asked what are the typical things they paint. Mr. Terry responded that they typically paint cabinet doors. He stated that they are pre-finished wood doors and there is no heavy sanding. Mr. Woodbury asked if they are doing restoration of old items that would have the potential to have asbestos or lead paint. Mr. Terry answered no, but if they have that type of job it would be done on the job site.

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

Mr. Woodbury made a motion to approve a Conditional Use Permit to allow a painting contractor business at the property addressed 4195 South 500 West, Unit #21, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain permits from the Murray City Building Division for the installation of a listed spray booth, to be installed per the manufacturer's specifications.
3. The applicant shall obtain permits for the installation and operation of a listed spray booth

from the Murray Fire Department and assure that proper exhaust requirements are met.

4. The applicant shall obtain sign permits prior to the installation of any new attached business signage.
5. The applicant shall obtain a Murray City Business License and pay applicable fees prior to beginning operations at this location.

Seconded by Mr. Hacker.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Ned Hacker
 A Lisa Milkavich
 A Travis Nay

Motion passed 4-0.

MARCELO OCCON – 23 & 25 East 6100 South & 6095 South Main Street - Project #18-52

Marcelo Ocon was the applicant present to represent this request. Jared Hall reviewed the location and request for approval of a Zone Map Amendment from R-1-8, Residential Single-Family to C-D, Commercial Development for three separate properties addressed 23 East 6100 South, 25 East 6100 South, and 6095 South Main Street. The combined area of the three lots is .58 acres. Mr. Hall stated the subject properties are all owned by Mr. Ocon and include existing homes on single-family lots. The proposed rezone will square up the northeast corner of 6100 South and Main Street, allowing future commercial development to occur. Several surrounding properties are identified in the Future Land-Use Map of the General Plan to be re-zoned to Commercial as applications are received. The neighborhoods surrounding this area that have frontage onto State street are very well established and very stable. This will help to keep the boundary between the residential use and Commercial use functioning well. The Commercial use would be a very good transition between the two zoning types. Based on the information presented in this report, application materials submitted and the site review, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment for the property located at 23 East 6100 South, 25 East 6100 South, 6095 South Main from R-1-8 to C-D.

Marcelo Ocon, 7693 North Waterbury Road, Park City, stated he has reviewed the conditions and will be able to comply. Mr. Ocon stated the corner lot was rezoned to Commercial about five years ago and added he does not have any immediate plans to redevelop this area. The application submitted was only intended to take advantage of the commercial use before a possible re-zone by the City may limit his options in the future. Mr. Ocon stated the current dwellings on the property will remain for quite a while and they are currently occupied with long term renters.

The public meeting was opened for public comment.

Robert Bush, 57 East 6100 South, stated his property borders Mr. Ocon's property, and has been in his wife's family since 1932. Mr. Bush wondered how this change will impact him. Mr. Bush added that previously when Mr. Ocon changed the zoning on the corner

property it was stated that he needed to install a 6-foot high cement wall between the residential and commercial property and asked if it still applies. Mr. Nay answered yes it would, if they do indeed develop into a commercial use, it is not required if the properties stay as residential homes. Mr. Bush asked about upkeep on the residential properties that are there now. Mr. Woodbury answered that upkeep is subject to normal code enforcement.

Vanise Elsea, 30 West 6100 South, stated she would like to know a time line for the possible future development that Mr. Occon may have planned. Ms. Elsea added she has heard rumors that Mr. Occon plans to build apartments complexes here. Mr. Nay replied that apartment complexes are not allowed in the C-D zone. Ms. Elsea asked what type of development would be allowed. Mr. Nay answered it could possibly be developed into small businesses similar to what is already seen in the general area, and the lots are small and will limit what can be build. Mr. Woodbury asked Staff to address some of the possible uses that could be developed there. Ms. Elsea continued that she has traffic concerns because the change in use may bring additional traffic into the area and believes that her residential property home value will decrease, be condemned and she will be forced out.

Mr. Hacker stated that most of the businesses in this area are one-story and asked if the C-D zone has a height restriction. Mr. Hall answered yes there is, it allows up to 35-feet in height which is actually the same height as a single-family home. Mr. Hall address the concern that Ms. Elsea pre-mentioned and stated that condemnation does not get used by private industry, these are not Government lots. The Government can sometimes use eminent domain to force people out, but private entities do not get to do that. Mr. McNulty added that condemnation usually occurs with street widening and the City does not anticipate widening roads at this time.

Ms. Milkavich suggested that the residents of this neighborhood take measures to learn what a C-D zone entails so that they may become familiar with what changes may be allowed to happen. Mr. Nay added that the General Plan designates the 3 properties across the street to stay as residential homes.

The public comment portion was closed.

Mr. Woodbury made a motion that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment for the property located at 23 East 6100 South, 25 East 6100 South, 6095 South Main from R-1-8 to C-D.

Seconded by Mr. Hacker.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Ned Hacker
 A Lisa Milkavich
 A Travis Nay

Motion passed 4-0.

Mr. Woodbury explained that this motion is only a recommendation to the City Council and stated the residents still have a chance to reach out to the City Council to address any continued concerns. Mr. Nay added that if there are any changes to this area in the future, the City does send out notices.

OTHER BUSINESS

Mr. McNulty stated that the next Planning Commission meetings are scheduled for June 7, 2018 and June 21, 2018. The upcoming meetings are expected to have full agendas. In July the Planning Commission meetings are scheduled for the 5th and 19th. Mr. McNulty encouraged the Commissioners to communicate any anticipated dates that they may be out of town during these meetings to the Community and Economic Development Division.

The meeting was adjourned at 7:05 p.m.


Jared Hall, Supervisor
Community and Economic Development