



Murray City Planning Commission Meeting
Notice of Meeting and Agenda

Thursday, January 15th, 2026

Pre-Meeting: 6:00 p.m. (Poplar Room #151, Public Welcome)

The pre-meeting is to briefly review the agenda items and ask questions to staff.

Meeting Time: 6:30 p.m.
Murray City Hall, 10 East 4800 South, Council Chambers

The public may view the Murray Planning Commission meeting via live stream at www.murraycitylive.com or <https://www.facebook.com/Murraycityutah/>. You may submit comments via email at pc@murray.utah.gov. Comments are limited to 3 minutes or less, and written comments will be entered into the meeting record. Please include your name and contact information.

Supporting materials are available at <https://www.murray.utah.gov/779/Agendas-Attachment>.

CALL MEETING TO ORDER

BUSINESS ITEMS:

1. Approval of Minutes
 - a. November 20th, 2025
 - b. December 4th, 2025
2. Conflict(s) of Interest
3. Approval of Findings of Fact
 - a. D.L. Evans Bank – Site Plan Review
 - b. Ubert Auto Sales – Conditional Use Permit
 - c. The Blind Man – Conditional Use Permit
4. Election of Planning Commission Chair and Vice-Chair

CONDITIONAL USE PERMIT(S) – ADMINISTRATIVE ACTION

5. Auto Expo LLC
4314 South Commerce Drive
Request for an auto sales business within the M-G Zone Project #26-001
6. Hell's Gate Gym
363 West 6160 South
Request for expansion of a gym in the M-G Zone Project #25-116

SUBDIVISION AMENDMENT(S) – ADMINISTRATIVE ACTION

7. The Pointe at 53rd
5215 South State Street
Request to dissolve office condos and amend subdivision Project #26-002

LAND USE TEXT AMENDMENT(S) – LEGISLATIVE ACTION

8. Miscellaneous Text Amendments

Project #26-003

Proposed text amendments pertaining to Conditional Uses, Landscaping, Noticing, and Reporting Requirements

ANNOUNCEMENTS AND QUESTIONS

ADJOURNMENT

The next scheduled meeting will be held on Thursday, February 5th, 2026, at 6:30 p.m. MST in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

Those wishing to have their comments entered into the record may send an email by 5:00 p.m. the day prior to the meeting date to pc@murray.utah.gov. Comments are limited to three minutes or less (approximately 300 words for emails) and must include your name and address.

Special Accommodations for the hearing or visually impaired will be made upon a request to the office of Murray City Recorder (801-264-2662). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Committee members may participate in the meeting via telephonic communication. If a Committee member does participate via telephonic communication, the Committee member will be on speakerphone. The speakerphone will be amplified so that the other Committee members and all other persons present will be able to hear all discussions.

No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.

At least 24 hours prior to the meeting, a copy of the foregoing notice was sent to the City Recorder to post in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. A copy of this notice was also posted on Murray City's website www.murray.utah.gov and the state noticing website at <http://pmn.utah.gov>.



MURRAY CITY PLANNING COMMISSION

MEETING MINUTES

November 20, 2025

6:30 P.M. MDT

Murray City Council Chambers, 10 East 4800 South, Murray, Utah

MEMBERS PRESENT

Present: Michael Richards, Chair
Pete Hristou, Vice Chair
Ned Hacker
Aaron Hildreth
Peter Klinge
Jake Pehrson
Katie Rogers
Mark Richardson, Deputy Attorney
Chad Wilkinson, CED Director
Zachary Smallwood, Planning Division Manager
David Rodgers, Senior Planner
Ruth Ruach, Planner I
Members of the Public (per sign-in sheet)

Excused: Peter Klinge

STAFF REVIEW MEETING

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 Department Office.

CALL MEETING TO ORDER

Chair Richards called the meeting to order at 6:30 p.m. MDT.

BUSINESS ITEM(S)

APPROVAL OF MINUTES

There were no minutes to be approved for this meeting.

CONFLICT(S) OF INTEREST

There were no conflicts of interest for this meeting.

APPROVAL OF FINDINGS OF FACT

Vice Chair Hristou made a motion to approve the findings of facts for Ivory Foundation site plan review, Woodward Enterprises design review, Utah Boat Brokers conditional use permit, Afton England subdivision amendment. Seconded by Commissioner Hacker. A voice vote was made, with all in favor.

APPROVAL OF 2026 MEETING DATES

Commissioner Rogers made a motion to approve the 2026 meeting dates. Seconded by Commissioner Pehrson. A voice vote was made, with all in favor.

CONDITIONAL USE PERMIT(S) – ADMINISTRATIVE ACTION

Beyond Creation Institute - Project #25-108 - 4764 South 900 East Suite 1 - Request for a Reiki Business in the C-D Zone

Doralee Olds was present to represent the request. Ruth Ruach presented the application requesting conditional use permit approval to allow a massage therapy business which provides reiki and hypnosis services in the C-D zone. Ms. Ruach showed the property on a map. She showed the site and floor plan. She said the applicant does not propose modifying the building. Ms. Ruach discussed the access and parking for the business. She said the applicant exceeds the parking requirement. Staff recommends that the Planning Commission approve the conditional use permit subject to the conditions.

Ms. Olds approached the podium. Chair Richards asked if she had read and could comply with the conditions. She said, yes.

Commissioner Hildreth and Ms. Olds had a discussion regarding the nature of the business.

Chair Richards opened the agenda item for public comment. Seeing no comments, the public comment period was closed.

Commissioner Hacker made a motion that the Planning Commission approve a conditional use permit to allow a reiki business at 4764 South 900 East, Suite 1, subject to the following conditions:

1. The applicant shall comply with all applicable zoning standards as adopted in Title 17, Zoning.
2. Prior to business license approval, the applicant shall obtain permits for any new attached or detached signs proposed for the business.

3. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
4. The applicant shall meet all Murray City Engineering requirements.
5. The applicant shall meet all Fire Department requirements.
6. The applicant shall meet all Water Division requirements.
7. The applicant shall meet all Wastewater Division requirements.
8. The applicant shall obtain a building permit prior to any construction occurring on the site.

Seconded by Vice Chair Hristou. Roll call vote:

A Hacker
A Hildreth
A Hristou
A Pehrson
A Richards
A Rogers

Motion passes: 6-0

GENERAL PLAN AMENDMENT(S) – LEGISLATIVE ACTION

Fashion Place West Station Area Plan - Project #25-109 - Roughly 6100 South to City Border and Fashion Place Mall to I-15 - Request to Amend the Fashion Place Small Area Plan to Meet State of Utah Station Area Plan Requirements

David Rodgers introduced this agenda item. This is a request from The Murray City Planning Division to amend the previously approved Fashion Place West Small Area Plan to meet the criteria for a Station Area Plan as required by State of Utah statute.

Mark Morris spoke regarding the amendment to the Fashion Place West Small Area Plan. He said the State of Utah requires every city with a fixed rail station on the public transit system to have a station area plan. He described the process that occurred over the last few months to come into compliance with the requirements. He said the state required more focus on the implementation portion of the plan. This involved creating a steering committee, which included Commissioner Hildreth and a member of the City Council. He said the intent of the area plan is to map out the next 5 years, 10 years and 20 years. He said the committee met with Utah Department of Transportation (UDOT) and Utah Transit Authority (UTA) to discuss the roles of these agencies. He showed an implementation matrix outlining the roles of each agency, as well as the role of Murray City. He said they also collaborated with the Fashion Place Mall Management Team. He said that, during the 2020 project, the committee went through a full public process including an open house and online survey. He said the goal is not to create a one-size-fits-all project. Instead, the large area is broken into smaller sub areas, each with different densities and land use types. He outlined various small tasks for each party as part of the implementation plan. He highlighted concepts to encourage development infrastructure change.

Commissioner Pehrson and Mr. Morris had a discussion about the specific changes made to the plan since 2020, which included questions about zoning changes. Mark Morris said that zoning is something the city has complete control of. He said staff can approach mall management directly with desired zone changes.

Commissioner Hildreth asked to confirm that UTA and UDOT are in agreement with the plan concepts. Mr. Morris said that there isn't anything formal in writing, but they verbally endorse the plan and have agreed to the tasks they've been assigned.

Commissioner Hildreth asked if any specific developers have committed to building in this area. Mr. Morris said, no. He said that UTA owns five acres of the land around the station. He said they have specific goals for transit-oriented development for the surrounding land, including surface parking.

Commissioner Hildreth and Mr. Morris had a conversation about how to protect the residential parking from being overtaken by business or transit parking. Mr. Morris said as they go through the development process, there will be a parking study to help understand potential issues before they can determine the best solution. Commissioner Hildreth asked what that process would be like. Mr. Morris said it would involve Murray City approaching UTA, who would probably use a development partner to perform a study.

Commissioner Hildreth asked if the utilities in the area will be able to handle additional development. Mr. Morris said he anticipates the infrastructure will need to be updated.

Chair Richards asked about the next steps after the city approves. Mr. Morris said UTA will then adopt it as an official station area plan.

Chair Richards asked if the plan will be presented to the public. Mr. Smallwood said what was presented today was an amendment to the plan that was originally shared with the public in 2020. At that time, the steering committee had engaged in a high level of public outreach, including information on the city website and public notices for meetings. The public was informed of tonight's agenda item. Once this has been adopted, Mr. Smallwood will post it on the website.

Mr. Smallwood addressed the comments from engineering mentioned in the staff report. He said the comments made by engineering regarding UDOT aren't fully accurate as they reflect past experience, but do not reflect a recent formal response from UDOT. Mr. Morris has had recent conversations with representatives from the Department of Transportation. He said although it may be challenging to get their agreement, the committee is hopeful about obtaining agreement from UDOT.

Mr. Morris said they have met with a representative from the Salt Lake City Transportation Office related to a project they have completed with UDOT's approval between 600 and 700 South on State Street. The representative from Salt Lake City said it's helpful to have a case study from another city they can present to UDOT to demonstrate the success of that city's project.

Chair Richards opened the agenda item for public comment. Seeing no comments, the public comment period was closed.

Commissioner Hildreth made a motion that the Planning Commission forward a recommendation of approval to the City Council to amend the Fashion Place West Small Area Plan to the Fashion Place West Station Area Plan as an amendment to the 2017 Murray City General Plan.

Seconded by Commissioner Rogers. Roll call vote:

A Hacker
A Hildreth
A Hristou
A Pehrson
A Richards
A Rogers

Motion passes: 6-0

DISCUSSION AND TRAINING

Salt Lake County Jordan River Recreation Plan - Presentation of Work Done on a Recreation Plan for the Jordan River Parkway That Includes Part of Murray City

Angelo Calacino, Brandon Biederman from Salt Lake County Parks and Recreation and Søren Simonsen from the Jordan River Commission presented an update on a plan they've been coordinating with Murray City planning staff. Mr. Calacino provided background regarding the Jordan River Recreation Area Zone. He said they are working to create a small area master plan, as mandated by Utah State Legislature.

Mr. Biederman mentioned the organizations and consultants they are working with to develop the plan and ensure that it is feasible. He covered the project schedule, as well as goals and priorities of the plan. He discussed public outreach and stakeholder engagement. He covered the framework for the plan. Mr. Biederman showed a map of the boundaries for the area plan. Some of the goals include increasing access to emergency services and amenities on the trail, increased water access for the public, restoring the flood plain and historical meanderings, neighborhood connectedness to trails, increased riparian enhancement and preserved habitat. He said Murray City has a considerable portion of jurisdiction within in the area plan. He said they are developing online tools to gather public feedback to help planning staff.

Commissioner Pehrson asked about docks near Redwood Park. Mr. Biederman said those have been removed but they are working on a new permanent ramp.

Vice Chair Hristou asked how issues regarding the homeless population will be addressed. Mr. Biederman said they are working on increasing visibility and safety. He said having a stronger public presence on the trails will increase safety as well.

Chair Richards asked how public spaces will be policed. Søren Simonsen said that each jurisdiction maintains their own law enforcement.

Chair Richards asked about mile markers on the trail. Mr. Biederman said a comprehensive sign package was implemented a few years ago that including mile markers. He said the funding wasn't available to cover everything, but they accomplished what they could with the funds provided.

Commissioner Hildreth asked if there will be single-entity management oversight. Mr. Biederman said that's being addressed by the consultants. They are looking into the possibility of an advisory body with representatives from multiple agencies. A discussion was had regarding the formation of the advisory body.

Commissioner Hildreth asked if the project expansion will cause displacements to neighborhoods. Mr. Biederman said their goal is to stay within public lands. Any impacts to neighborhoods will be presented for public input through community engagement to ask for easements.

Commissioner Hacker asked if the project would address storm water retention basins. Mr. Biederman said that they will work on an expanded flood plain and work on creating more healthy waterways in general.

Mr. Simonsen spoke regarding storm water retention basins, referencing the Jordan River Commission's Best Practice Guidebook for River-oriented Development. He said there is a lot that's being done to address storm water system issues. Commissioner Hacker asked who would be responsible to cover the cost of upgrades and improvements. Mr. Simonsen said each municipality pays for its own costs.

Commissioner Hacker asked about issues with the confluence of Little Cottonwood and the Jordan River constantly being clogged with gravel and having to cleared. Mr. Biederman said that is partly how it was designed to operate in order to keep it from going downstream. He said the amount of gravel will be reduced with future improvements upstream to the floodway that the project will address.

Chair Richards thanked Mr. Calacino, Mr. Biederman and Mr. Simonsen for their presentation.

Open and Public Meetings Act Training - Attorney's Office Conducting Yearly Training on the Utah Open and Public Meetings Act for 2025

Mark Richardson presented the Open and Public Meetings Act Training to the Planning Commission. He said they are required to receive this training annually. He stated the purpose and scope of the training. He provided a definition for public meetings and how they are different than social gatherings, as well as what can be discussed casually. He discussed the definition of a quorum, publishing annual meeting schedules, posting meeting agendas, emergency meeting situations, discussions of agenda items not addressed in the agenda, the process for holding closed meetings, holding electronic meetings, rules against predetermining action, and proper public participation in meetings. He said that violations of the Open and Public Meetings Act can be enforced through the Attorney General and District Attorney. He discussed ex parte communications.

Commissioner Hacker asked how the pre-meeting fits into the public meetings act. Mr. Richardson said that the public is welcome to attend but they may not have the opportunity to speak.

A discussion was had regarding the timing of this training for incoming commissioners. Commissioner Hacker said they may read the slides at any time. Staff and commissioners agreed that the training should be held earlier in the year. Staff will work on presenting the training sooner.

ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on December 4, 2025, at 6:30 p.m. MDT in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

ADJOURNMENT

Chair Richards adjourned the meeting at 8:07 p.m. MDT.

A recording of this meeting is available for viewing at <http://www.murray.utah.gov> or in the Community and Economic Development office located at 10 East 4800 South, Suite 260.

The public was able to view the meeting via the live stream at <http://www.murraycitylive.com> or <https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item was able to submit comments via email at planningcommission@murray.utah.gov.

Zachary Smallwood, Planning Division Manager
Community & Economic Development Department

DRAFT



MURRAY CITY PLANNING COMMISSION

MEETING MINUTES

December 4, 2025

6:30 P.M. MDT

Murray City Council Chambers, 10 East 4800 South, Murray, Utah

MEMBERS PRESENT

Present: Michael Richards, Chair
Pete Hristou, Vice Chair
Ned Hacker
Aaron Hildreth
Jake Pehrson
Katie Rogers
Chad Wilkinson, CED Director
Zachary Smallwood, Planning Division Manager
David Rodgers, Senior Planner
Ruth Ruach, Planner I
Keaton Brown, Senior City Attorney
Members of the Public (per sign-in sheet)

Excused: Peter Klinge
Mark Richardson

STAFF REVIEW MEETING

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 Department Office.

CALL MEETING TO ORDER

Chair Richards called the meeting to order at 6:32 p.m.

BUSINESS ITEM(S)

APPROVAL OF MINUTES

Commissioner Rogers made a motion to approve the minutes for November 6, 2025 Seconded by Commissioner Hacker. A voice vote was made, with all in favor.

CONFLICT(S) OF INTEREST

There were no conflicts of interest for this meeting.

APPROVAL OF FINDINGS OF FACT

Commissioner Hacker made a motion to approve the findings of facts for Beyond Creation Institute conditional use permit. Seconded by Vice Chair Hristou. A voice vote was made, with all in favor.

CONDITIONAL USE PERMIT(S) – ADMINISTRATIVE ACTION

The Blind Man - Project #25-111 - 4714 South Commerce Drive, #1 - Request for an Electronic Message Center (EMC) sign

Kennie Alton was present to represent the request. David Rodgers presented the application requesting conditional use permit approval to place an electronic message center (EMC) sign on the property at 4714 South Commerce Drive #1 in the M-G zone. Mr. Rodgers shared the site plan. He provided details of the sign. He discussed the requirements for electronic signs in this zone and said the sign meets the size requirements for the zone. Mr. Rodgers said that, as part of review for the conditional use permit, staff performs a review of the existing property conditions. It was noted that a sign exists on a trailer on the property that is not part of the current approval process. He said it isn't permitted in the code. The applicant will need to remove it. Notices were sent to affected properties. One call was received with questions regarding the application. Staff recommend approval of the application.

Kennie Alton approached the podium. Chair Richards asked if he had read and could comply with the conditions. He said, yes.

Chair Richards opened the agenda item for public comment. Seeing no comment, the public comment period was closed.

Vice Chair Hristou made a motion that the Planning Commission approve a conditional use permit to allow an electronic message center sign at the property addressed 4714 South Commerce Drive #1, subject to the following conditions:

1. The applicant shall follow all size restrictions listed for signs in the M-G zone in Chapter 17.48.200.
2. The sign shall meet all EMC regulations per Section 17.48.280.
3. The sign shall be set to dim and reduce sign intensity after dark.
4. The sign shall be oriented in a way that is not a traffic hazard or a nuisance to the surrounding properties.
5. The applicant shall submit a building permit application for the sign.

6. The applicant shall provide documentation demonstrating that the sign will not emit light brighter than 0.3-foot candles before passing inspection.
7. Any display on the electronic sign must remain lighted for at least 2 seconds.
8. A minimum of five percent (5%) of the time that the sign is in use shall be devoted to public service messages.
9. Advertising for businesses that are located off-premises is prohibited.
10. The project shall comply with all applicable building and fire code standards.
11. The applicant shall obtain a building permit for the proposed signage.

Seconded by Commissioner Rogers. Roll call vote:

A Hacker
A Hildreth
A Hristou
A Pehrson
A Richards
A Rogers

Motion passes: 6-0

Uber Auto Sales - Project #25-110 - 4195 South 500 West, #81 - Request for an auto sales business within the M-G Zone

Edwin Garduno was present to represent the request. David Rodgers presented the application for conditional use permit approval to allow an auto sales business within the M-G Zone on the property located at 4195 South 500 West, #81. Mr. Rodgers shared the floor plan and parking plan for the business. He said they meet requirements. He said that parking in front of the bay door is prohibited and that all sales vehicles must be stored within the unit itself. He discussed outside parking stalls, stating that there are conditions of approval for them. Public notices were sent to affected properties, with no comments being received. Staff recommends the Planning Commission approve a conditional use permit to allow an auto sales business.

Mr. Garduno approached the podium. Chair Richards asked if he had read and could comply with the conditions. He said, yes.

Chair Richards opened the agenda item for public comment. Seeing no comments, the public comment period was closed.

Commissioner Hacker made a motion that the Planning Commission approve a conditional use permit to allow an auto sales business at the property addressed 4195 South 500 West #81, subject to the following conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The applicant shall obtain a building permit prior to any remodeling that may occur.
3. Prior to approval of the business license, the applicant and/or property owner must stripe parking.
4. The applicant must meet all parking requirements.
5. All for sale vehicles must be located within the unit.

6. The project shall comply with all applicable building and fire code standards.
7. The applicant shall obtain permits for any new attached or detached signs proposed for the business.

Seconded by Commissioner Pehrson. Roll call vote:

<u>A</u>	Hacker
<u>A</u>	Hildreth
<u>A</u>	Hristou
<u>A</u>	Pehrson
<u>A</u>	Richards
<u>A</u>	Rogers

Motion passes: 6-0

SITE PLAN REVIEW(S) – ADMINISTRATIVE ACTION

D.L. Evans Bank - Project #25-112 - 6150 South State Street - Request for site plan approval for building modifications within the C-D zone

Jason Smith was present to represent the request. Ruth Ruach presented the application requesting site plan approval for modifications to an existing building which includes constructing a drive through for a new banking business in the C-D zone. Ms. Ruach described the intended modifications for the building. She showed renderings and a floor plan. She discussed site access. She noted that landscaping requirements will need to be met to obtain a building permit. Notices were mailed to affected properties, with no comments being received. Staff recommends the Planning Commission grant site plan approval for the proposed building modifications for a banking business.

Mr. Smith approached the podium. Chair Richards asked if he had reviewed and could comply with the conditions. He said, yes.

Commissioner Hildreth asked how many cars the drive-thru can accommodate and how many they expect during peak hours. Mr. Smith said there are two lanes for use. He described how the lanes will be used. He said the bank will have no more than three or four cars at a time. He felt there's plenty of room to accommodate that.

Commissioner Hacker asked if Mr. Smith had talked to UDOT about the access. Mr. Smith said he had not because they aren't changing it from the existing access. Mr. Hacker asked if the right-in/right-out going to be an issue. Mr. Smith said it's not an issue.

Chair Richards opened the agenda item for public comment. Seeing no comments, the public comment period was closed.

Commissioner Hildreth made a motion that the Planning Commission grant site plan approval for the proposed building modifications for a banking business at the property addressed 6150 South State Street, subject to the following conditions:

1. The applicant shall meet all Murray City Engineering requirements.

2. The applicant shall meet all Fire Department requirements.
3. The applicant shall meet all Water Division requirements.
4. The applicant shall meet all Wastewater Division requirements.
5. The applicant shall obtain a building permit prior to any construction occurring on the site.
6. The applicant shall meet all landscaping requirements of Chapter 17.68 of the Murray City Land Use Ordinance prior to the Planning Division's approval of a building permit.
7. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
8. The applicant shall comply with all applicable zoning standards as adopted in Title 17, Zoning.
9. The applicant shall apply for building permits for all signs and adhere to all sign requirements as described in Chapter 17.48 of the Murray City Code.

Seconded by Commissioner Rogers. Roll call vote:

<u>A</u>	Hacker
<u>A</u>	Hildreth
<u>A</u>	Hristou
<u>A</u>	Pehrson
<u>A</u>	Richards
<u>A</u>	Rogers

Motion passes: 6-0

PARKING AGREEMENT(S) – ADMINISTRATIVE ACTION

Chick-fil-A Review and approval of a shared parking agreement between Chick-fil-A and Howland Partners

Devon Emans was present to represent the request. Zachary Smallwood presented the application for a shared parking agreement between Chick-fil-A and Howland Partners, located in the C-D zone. Mr. Smallwood provided a history of the parking situation. He showed the site plan from 2012. He explained the original parking agreement entered into by the Point at 53rd and Chick-fil-A. He described changes that have been made since the original agreement. He said some of the changes resulted in them being outside the required amount of parking stalls. In 2024, Chick-fil A submitted a site plan review to add an escape lane. Howland Partners told staff the agreement needed to be reviewed by the Planning Commission. That agreement is being reviewed at this meeting. Mr. Smallwood said they are deficient by eleven parking spaces. He explained how the total number of parking spaces at the shopping center can accommodate the needed spaces. Staff are recommending that the Planning Commission approve the shared parking based on the following findings: 1) that the applicant has provided a signed parking agreement that provides access to parking on the adjacent property, and 2) the adjacent property has adequate parking to meet the requirements of city code and excess parking sufficient to provide the required parking spaces for Chick-fil-A.

Mr. Smallwood reiterated the role of the Planning Commission in approving this application. He said their task is to verify that there is a parking agreement and that it's signed by both parties. He said that the task is not to interpret the language of the agreement, just to review the code. He informed the applicant that they have the right to appeal the decision of the Planning Commission to the hearing officer if they wish.

Commissioner Hacker asked if they are violating code because this agreement is retroactive. Mr. Smallwood said the application was in violation, not the Planning Commission.

Commissioner Hildreth asked what would happen if the property owner redeveloped the shopping center and removed some of the parking stalls. Mr. Smallwood said that plans presented by the property owner would need to be reviewed by staff to ensure they aren't breaking the agreement.

Devon Emans approached the podium for questions. He said that this approval is meant to acknowledge the existing agreement.

Commissioner Hildreth asked why the agreement hadn't been brought before the Planning Commission previously. Mr. Emans said it was an oversight due to quickly accommodating emergency protocols during the pandemic. He said they acknowledge the proper steps weren't taken at the time. They are here to correct that.

Chair Richards opened the agenda item for public comment. Seeing no comments, the public comment period was closed.

Commissioner Pehrson made a motion that the Planning Commission approve the proposed shared parking based on the two findings.

Seconded by Vice Chair Hristou. Roll call vote:

<u>A</u>	Hacker
<u>A</u>	Hildreth
<u>A</u>	Hristou
<u>A</u>	Pehrson
<u>A</u>	Richards
<u>A</u>	Rogers

Motion passes: 6-0

The Planning Commission took a short recess and reconvened in Poplar Room #151 for the next agenda item.

DISCUSSION

CUP Text Amendments - Draft Text Amendments regarding Conditional Use Permit approval processes

Ruth Ruach presented the discussion item regarding the conditional use permit (CUP) approval process. She said the purpose of the discussion is to gather feedback from the Planning Commission on the process to draft text amendments. She provided some background and goals for the discussion. She said the current conditional use permit process has created challenges that must be resolved by amending the code. Ms. Ruach said the goals are to improve clarity for applicants and streamline the process for applicants and staff. She explained that the current process is time-consuming.

A discussion was had about the idea of applicants having their lease agreements contingent upon property owner's compliance with conditions of site improvements. This would reduce staff time spent in the application process.

Ms. Ruach proposed removing the step of the public meeting in the application process. A discussion was had regarding the requirement of giving public notice. The Planning Commissioners said that it's an opportunity for the public to provide comments and ask questions regarding an application. Staff said that public comment can be submitted via email. Some commissioners felt that it might be important for applicants to attest in person that they will comply with conditions. Ms. Ruach said they must comply with conditions before their business license can be issued.

A discussion was had regarding certain types of conditional use permits still being required to come before the Planning Commission and what would be appropriate criteria. Mr. Wilkinson said residential adjacency is an example of a criterion.

A discussion was had regarding the calculation of fees for CUP's. Mr. Wilkinson said they are based on staff's time and that includes all city staff involved, not just planning staff.

Ms. Ruach addressed a section of code to be removed relating to supervised youth group homes. She proposed removing the section that requires them to report their compliance to the city each year. She said compliance can be monitored through business license approval/renewal.

Another section of the code that's proposed for removal relates to conditional zone. These zones don't exist any longer. Conditionally approved zone changes are administered through development agreements per the State of Utah.

Ms. Ruach addressed a landscaping code that requires CUP's and site plan review applications to be submitted with a formal landscaping plan. She said staff has changed that to be for CUP applications with new structures. She noted that landscaping itself is still required when deficient, but a formal plan for the landscaping will not be required.

A discussion was had regarding how to move forward with voting on code changes. Some commissioners wondered if it would be best to vote on smaller sections at a time or wait until all of the suggested changes are ready to be voted on. The concern was what would be best for City Council.

Ms. Ruach addressed proposed changes to code regarding public notices. State law requires staff to provide public notices of meetings. City code requires the applicant to place signs on properties where zone changes are being proposed. She said the process needs to be defined better. A discussion was had regarding the current process and some suggestions for improving the process and signage posting. Some staff and commissioners were in favor of posting a physical sign to inform residents. They also discussed reviewing what should and should not require a public notice.

Ms. Ruach discussed a proposed code change to allow staff administrative approval for specific types of CUP's that don't warrant a public meeting or Planning Commission approval. She presented a list of scenarios that would be appropriate for staff approval. Some of these included minor building expansions, conditional use relocations, EMC signage approval (when not adjacent to a residential zone).

A discussion was had about the pros and cons of each scenario. The commissioners generally supported the suggestions. Staff acknowledge that these changes would give them a lot of authority. The opinion was expressed that they should still retain more oversight, but also that some things shouldn't be conditional uses at all, that they should just be permitted uses instead.

The Planning Commission was generally supportive of the proposed changes. They want to start looking at these suggestions for each zone, then have them presented to the City Council. They discussed the logistics of the process that would trigger Planning Commission approval versus staff approval.

A discussion was had regarding revoking conditional uses after they've expired. Some of the conditions are sometimes already in the code and don't need to be conditional. It was decided that review of conditional uses would be helpful.

ANNOUNCEMENTS AND QUESTIONS

The meeting for December 18, 2025 has been cancelled.

ADJOURNMENT

Commissioner Rogers adjourned the meeting at 8:23 p.m. MDT.

A recording of this meeting is available for viewing at <http://www.murray.utah.gov> or in the Community and Economic Development office located at 10 East 4800 South, Suite 260.

The public was able to view the meeting via the live stream at <http://www.murraycitylive.com> or <https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item was able to submit comments via email at planningcommission@murray.utah.gov.

Zachary Smallwood, Planning Division Manager
Community & Economic Development Department

MURRAY CITY PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS

PROJECT NAME: D.L. Evans Bank

PROJECT NUMBER: PZ-25-112

APPLICANT: D.L. Evans Bank

APPLICATION TYPE: Site Plan Review

I. REQUEST:

The applicant is requesting Site Plan Approval for modifications to an existing building which includes a drive through for a new banking business.

II. MUNICIPAL CODE AUTHORITY:

17.160.070

III. APPEAL PROCEDURE:

Municipal Code Section 17.16.030 provides details for requesting an appeal of the Planning Commission's decision on a land use application that is heard by the Hearing Officer. An application for appeal must be presented within 10 calendar days after the approval of these findings of fact.

IV. SUMMARY OF EVIDENCE:

- A.** The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B.** The minutes of the public meeting held by the Planning Commission on December 6, 2025 which are attached as **Exhibit B** summarize the oral testimony presented and are hereby incorporated herein.

V. FINDINGS OF FACT:

Based upon the information presented and oral testimony given the planning commission found that the request meets the standards contained in Section 17.160.070 based on the findings below:

1. The proposed use is consistent with the goals and objectives of the Murray City General Plan.
2. With conditions, the proposed plan meets the requirements of the Murray City Land Use Ordinance.
3. With conditions, the proposed plan will allow the business to expand its reach to better serve the community.

VI. DECISION AND SUMMARY

The Planning Commission **APPROVED** the request for Site Plan Approval on the property. The

vote was 6-0 with Commissioners Hacker, Hildreth, Hristou, Pehrson, Rogers, and Richards in favor and none opposed. The approval is contingent on the following conditions:

1. The applicant shall meet all Murray City Engineering requirements.
2. The applicant shall meet all Fire Department requirements.
3. The applicant shall meet all Water Division requirements.
4. The applicant shall meet all Wastewater Division requirements.
5. The applicant shall obtain a building permit prior to any construction occurring on the site.
6. The applicant shall meet all landscaping requirements of Chapter 17.68 of the Murray City Land Use Ordinance prior to the Planning Division's approval of a building permit.
7. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
8. The applicant shall comply with all applicable zoning standards as adopted in Title 17, Zoning.
9. The applicant shall apply for building permits for all signs and adhere to all sign requirements as described in Chapter 17.48 of the Murray City Code.

FINDINGS OF FACT APPROVED BY THE
MURRAY PLANNING COMMISSION THIS 15th DAY OF January 2026.

Michael Richards, Chair
Murray City Planning Commission

MURRAY CITY PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS

PROJECT NAME: Ubert Auto Sales

PROJECT NUMBER: PZ-25-110

APPLICANT: Ubert Auto Sales

APPLICATION TYPE: Design Review

I. REQUEST:

The applicant is requesting Conditional Use Permit approval to allow an auto sales business within the M-G Zone on the property located at 4195 South 500 West, #81.

II. MUNICIPAL CODE AUTHORITY:

Section 17.152.030 of the Murray City Land Use Ordinance allows auto sales businesses (LU #5511) within the M-G zoning district subject to Conditional Use Permit approval.

III. APPEAL PROCEDURE:

Municipal Code Section 17.16.030 provides details for requesting an appeal of the Planning Commission's decision on a land use application that is heard by the Hearing Officer. An application for appeal must be presented within 10 calendar days after the approval of these findings of fact.

IV. SUMMARY OF EVIDENCE:

- A.** The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B.** The minutes of the public meeting held by the Planning Commission on December 4, 2025 which are attached as **Exhibit B** summarize the oral testimony presented and are hereby incorporated herein.

V. FINDINGS OF FACT:

Based upon the information presented and oral testimony given the planning commission found that the request meets the standards contained in Section 17.56.060 based on the findings below:

1. The proposed use for an auto sales business (LU #5511), is allowed in the M-G Manufacturing General Zoning District subject to Conditional Use Permit approval.
2. With conditions as outlined in the staff report, the proposed use and property will comply with the standards of the Murray City Land Use Ordinance.
3. The proposed use is not contrary to the goals and objectives of the Murray City General Plan in this area.

VI. DECISION AND SUMMARY

The Planning Commission **APPROVED** the request for a Conditional Use Permit on the property. The vote was 6-0 with Commissioners Richards, Hristou, Pehrson, Hacker, Hildrith, and Rogers in favor and none opposed. The approval is contingent on the following conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The applicant shall obtain a building permit prior to any remodeling that may occur.
3. Prior to approval of the business license, the applicant and/or property owner must stripe parking.
4. The applicant must meet all parking requirements.
5. All for sale vehicles must be located within the unit.
6. The project shall comply with all applicable building and fire code standards.
7. The applicant shall obtain permits for any new attached or detached signs proposed for the business.

FINDINGS OF FACT APPROVED BY THE MURRAY PLANNING COMMISSION THIS 15th DAY OF January, 2026.

Michael Richards, Chair
Murray City Planning Commission

MURRAY CITY PLANNING COMMISSION FINDINGS OF FACT AND CONCLUSIONS

PROJECT NAME: The Blindman EMC

PROJECT NUMBER: PZ-25-111

APPLICANT: LED Sign Solutions, LLC

APPLICATION TYPE: Conditional Use Permit

I. REQUEST:

The applicant is requesting Conditional Use Permit approval to Place an electronic message center sign on the property at 4714 South Commerce Drive #1.

II. MUNICIPAL CODE AUTHORITY:

Section 17.48.280 of the Murray City Land Use Ordinance allows electronic message center (EMC) signs within the M-G zoning district subject to Conditional Use Permit approval.

III. APPEAL PROCEDURE:

Municipal Code Section 17.16.030 provides details for requesting an appeal of the Planning Commission's decision on a land use application that is heard by the Hearing Officer. An application for appeal must be presented within 10 calendar days after the approval of these findings of fact.

IV. SUMMARY OF EVIDENCE:

- A.** The basic facts and criteria regarding this application are contained in the staff report, which is attached as **Exhibit A** and is incorporated herein.
- B.** The minutes of the public meeting held by the Planning Commission on December 4, 2025 which are attached as **Exhibit B** summarize the oral testimony presented and are hereby incorporated herein.

V. FINDINGS OF FACT:

Based upon the information presented and oral testimony given the planning commission found that the request meets the standards contained in Section 17.56.060 based on the findings below:

1. The proposed use of an electronic message center sign is allowed in the M-G (General Manufacturing) Zoning District subject to Conditional Use Permit approval.
2. With conditions as outlined in the staff report, the proposed sign will comply with the standards of the Murray City Land Use Ordinance.
3. The proposed sign is not contrary to the goals and objectives of the Murray City General Plan in this area.

VI. DECISION AND SUMMARY

The Planning Commission **APPROVED** the request for a Conditional Use Permit on the property. The vote was 6-0 with Commissioners Richards, Hristou, Pehrson, Hacker, Rogers, and Hildrith in favor and none opposed. The approval is contingent on the following conditions:

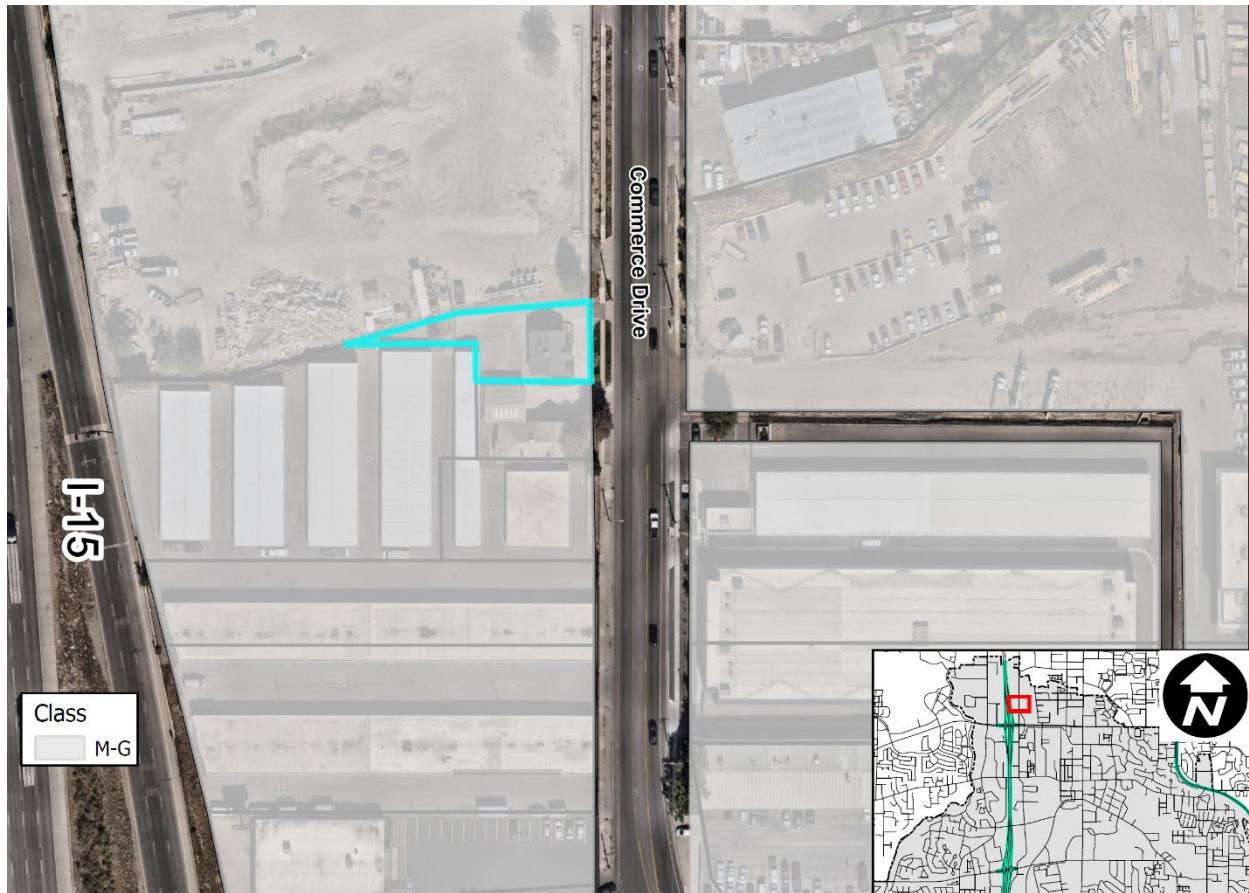
1. The applicant shall follow all size restrictions listed for signs in the M-G zone in Chapter 17.48.200.
2. The sign shall meet all EMC regulations per Section 17.48.280.
3. The sign shall be set to dim and reduce sign intensity after dark.
4. The sign shall be oriented in a way that is not a traffic hazard or a nuisance to the surrounding properties.
5. The applicant shall submit a building permit application for the sign.
6. The applicant shall provide documentation demonstrating that the sign will not emit light brighter than 0.3-foot candles before passing inspection.
7. Any display on the electronic sign must remain lighted for at least 2 seconds.
8. A minimum of five percent (5%) of the time that the sign is in use shall be devoted to public service messages.
9. Advertising for businesses that are located off-premises is prohibited.
10. The project shall comply with all applicable building and fire code standards.
11. The applicant shall obtain a building permit for the proposed signage.

FINDINGS OF FACT APPROVED BY THE MURRAY PLANNING COMMISSION THIS 15th DAY OF January, 2026.

Michael Richards, Chair
Murray City Planning Commission



AGENDA ITEM #05 – Auto Expo LLC			
ITEM TYPE:	Conditional Use Permit to allow auto sales to be conducted on the property.		
ADDRESS:	4314 South Commerce Drive	MEETING DATE:	January 15 th , 2026
APPLICANT:	Auto Expo LLC	STAFF:	Ruth Ruach, Planner 1
PARCEL ID:	21-01-251-003	PROJECT NUMBER:	#26-001
ZONE:	M-G, Manufacturing General		
SIZE:	0.17-acre site 1,122 sq.ft. building		
REQUEST:	The applicant is requesting Conditional Use Permit approval to allow auto sales to be conducted on a property within the M-G, Manufacturing General zone.		



I. LAND USE ORDINANCE

Section 17.152.030 of the Murray City Land Use Ordinance allows auto sales businesses (LU #5511) within the M-G, Manufacturing General zoning district subject to Conditional Use Permit approval.

II. BACKGROUND

Project Location

This application is for an auto sales business on property situated east of I-15, which can be accessed from Commerce Drive. All surrounding properties are located within the M-G, Manufacturing General zoning district.

Project Description

The applicant proposes to store vehicles on the property, which is permitted. However, the applicant would like the opportunity to sell vehicles in the future, and requests Conditional Use Permit approval for auto sales.

Landscaping

With about sixty-five (65') linear feet of frontage, additional landscaping along Commerce Drive is required. Per Section 17.68.040, the property must be landscaped with two (2) trees, three (3) 5-gallon shrubs, and seven (7) 1-gallon shrubs.

Parking

Section 17.152.090 calls for one parking stall per two hundred (200) square feet of gross office area. The applicant proposes to stripe eight (8) new parking stalls, which exceeds the six (6) parking stalls that are required. The submitted site plan indicates seven (7) additional spaces behind each other. These spaces cannot be used for customer parking as the code prohibits tandem parking for commercial uses.

III. LAND USE ORDINANCE STANDARDS REVIEW

Murray City Code Section 17.56.060 outlines the following standards of review for conditional uses.

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.**

With compliance to city regulations, the proposed use will provide an active user of the property that is in harmony with nearby uses.

- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of person residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety, or general welfare of persons

working in the vicinity.

C. **That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking, and traffic circulation, use of appropriate gradation of building height away from single family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities, and streets.**

With conditions, the proposed use is compatible with other uses in the M-G, Manufacturing General zoning district.

D. **That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.**

The applicant has submitted sufficient information for an adequate review of this Conditional Use Permit application by Murray City Staff and the Murray City Planning Commission. Additional materials may be required after the Planning Commission's review or as stated in the Staff Report.

IV. CITY DEPARTMENT REVIEW

The application materials for the auto sales business were made available to Murray City department staff for review and comment on December 30th, 2025. Reviewing personnel included the Engineering and Building Divisions, and the Water, Sewer, Power, and Fire Departments. Reviewing departments made the following comments:

Murray City Engineering Division provided the following comments:

1. Avoid storing vehicles on Commerce Drive.

Murray Building Division provided the following comment:

1. If any construction is being done, please obtain a building permit.

V. PUBLIC INPUT

Seven (7) notices of the public meeting were sent to all property owners for parcels located within 300 feet of the subject property. As of the date of this report, staff has not received any public comments.

VI. FINDINGS

Based on the analysis of the Conditional Use Permit application to allow auto sales to be conducted on the property, staff concludes the following:

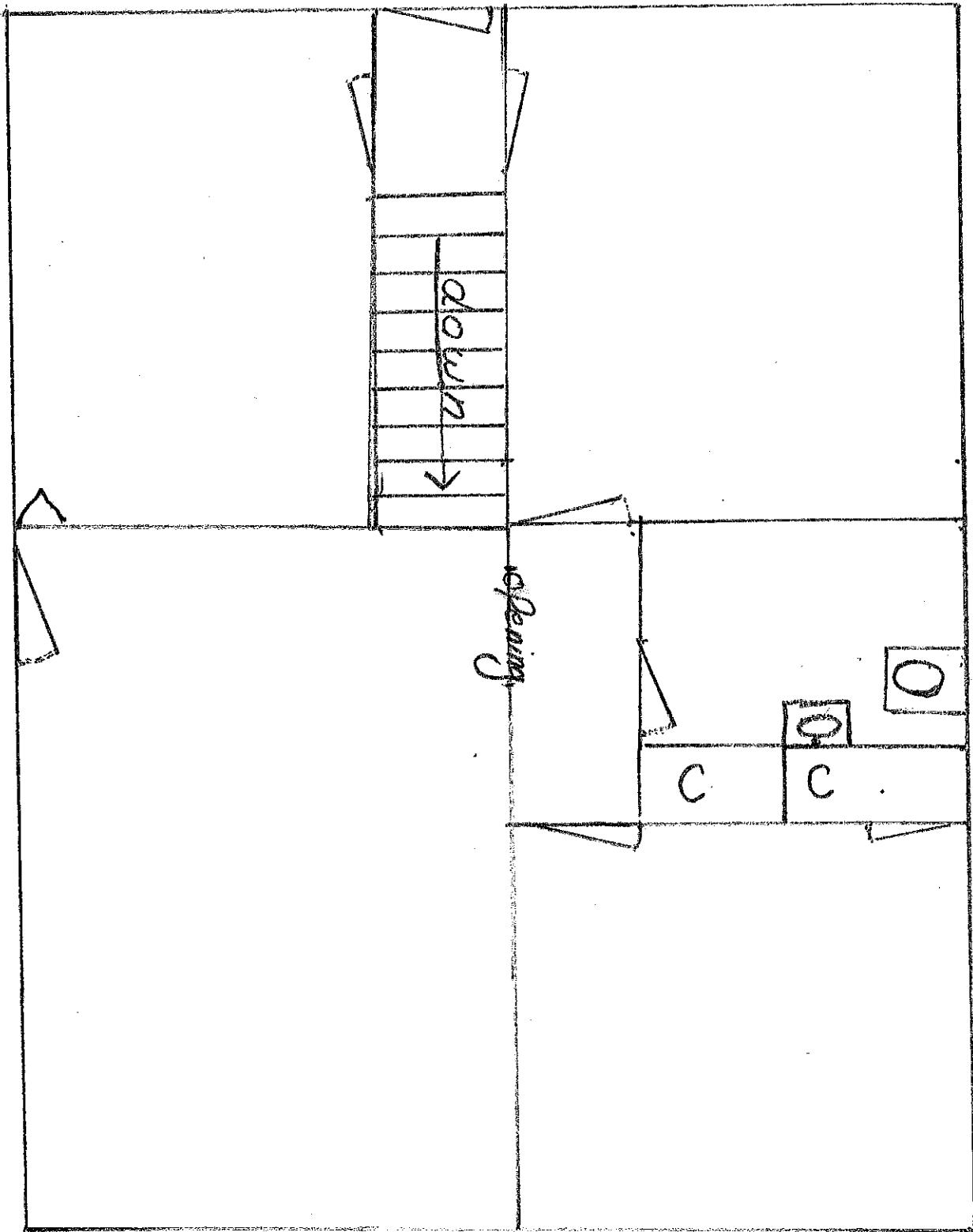
1. The proposed use for an auto sales business (LU #5511), is allowed in the M-G Manufacturing General Zoning District subject to Conditional Use Permit approval.
2. With conditions as outlined in the staff report, the proposed use and property will comply with the standards of the Murray City Land Use Ordinance.
3. The proposed use is not contrary to the goals and objectives of the Murray City General Plan in this area.

VII. CONCLUSION/RECOMMENDATION

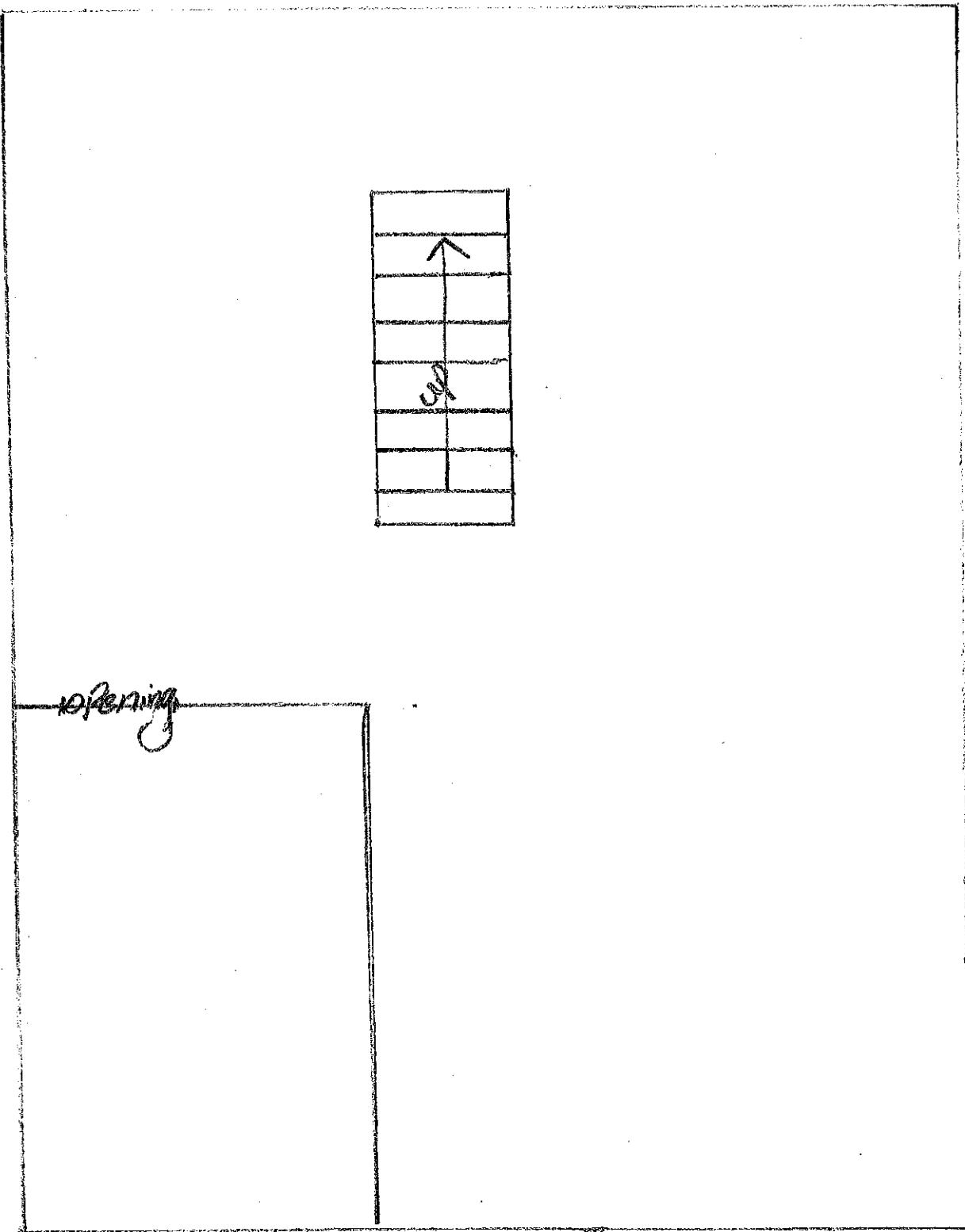
Based on the information presented in this report, application materials submitted and a site review, staff recommends that the **Planning Commission APPROVE a Conditional Use Permit to allow auto sales to be conducted at the property addressed 4314 South Commerce Drive**, subject to the following conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The applicant shall meet all landscaping requirements of Chapter 17.68 of the Murray City Land Use Ordinance prior to the issuance of a business license.
3. Prior to approval of the business license, the applicant and/or property owner must stripe required parking spaces.
4. The applicant must meet all parking requirements.
5. The project shall comply with all applicable building and fire code standards.
6. The applicant shall obtain a building permit prior to any construction that may occur.
7. The applicant shall obtain permits for any new attached or detached signs proposed for the business.

Scale: 1/4"



Scale: 1/4 "





12/13/14/15/

4320



7	6	5	4		10	9	8	
	3	2	1					

MURRAY COMMERCIAL/RESIDENTIAL COMPOUND

4314 & 4320 South Commerce Drive | Murray, Utah 84107



COMMERCE DR 8,000 ADT

JACE BANKHEAD

801.930.6758

bankhead@legendcommercial.com

801.930.6750

www.legendcommercial.com

2180 S 1300 E, Suite 240 | Salt Lake City, UT 84106

PARTNER XTEAM
RETAIL/LEISURE

LEGEND
COMMERCIAL



NOTICE OF PUBLIC HEARING

January 15th, 2026, 6:30 PM

The Murray City Planning Commission will hold a public meeting in the Murray City Council Chambers, located at 10 East 4800 South to receive public comment on an application submitted by **Auto Expo LLC** for the property located at **4314 South Commerce Drive**. The applicant is requesting Conditional Use Permit approval to allow for the operation of an auto sales dealership.

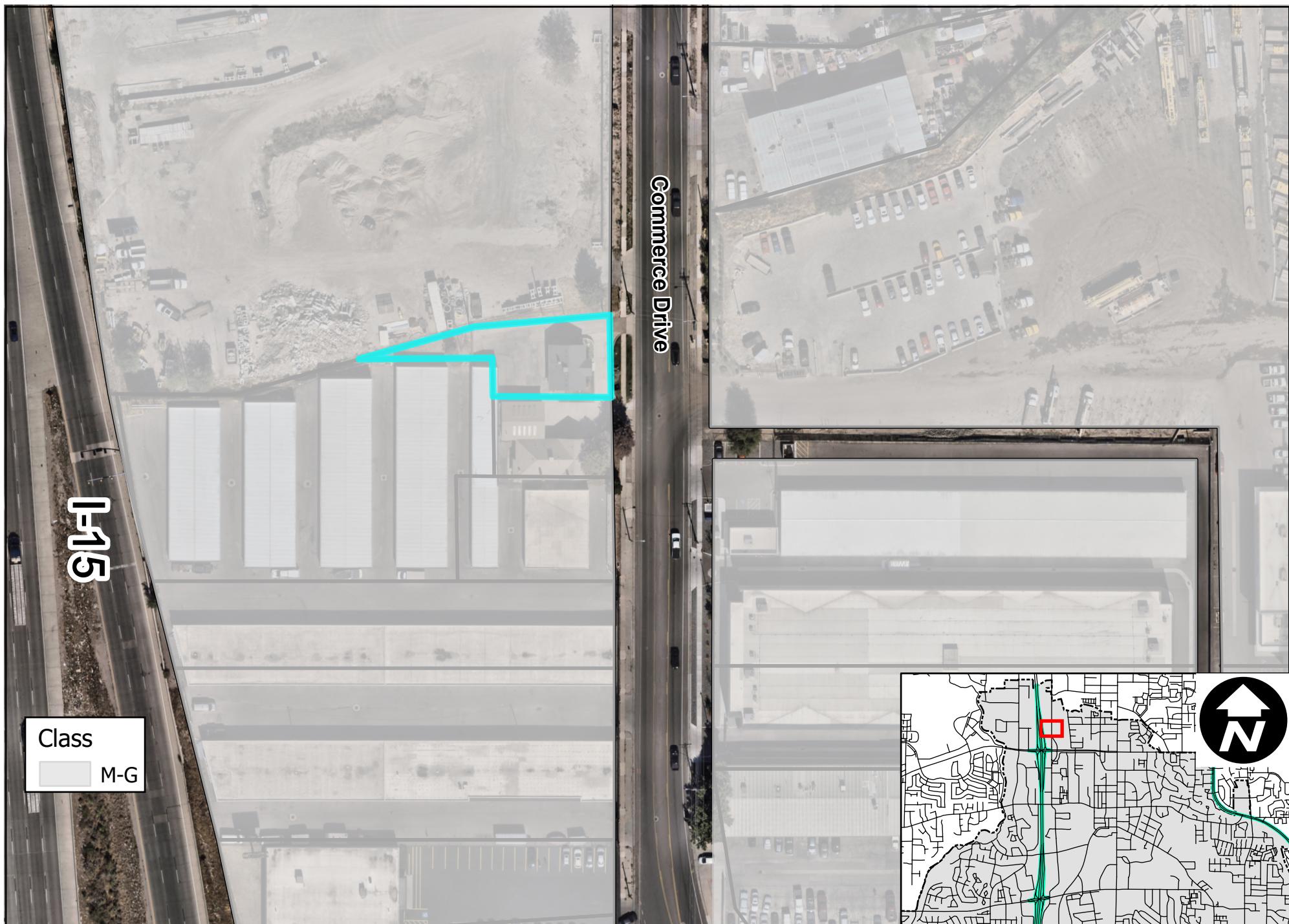
To make comments regarding this application, the public may speak at the meeting, call the Murray City Planning Division at (801) 270-2430, or email pc@murray.utah.gov. You have received this notice because you own property within 300 feet of the subject property.

The meeting will be streamed online at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

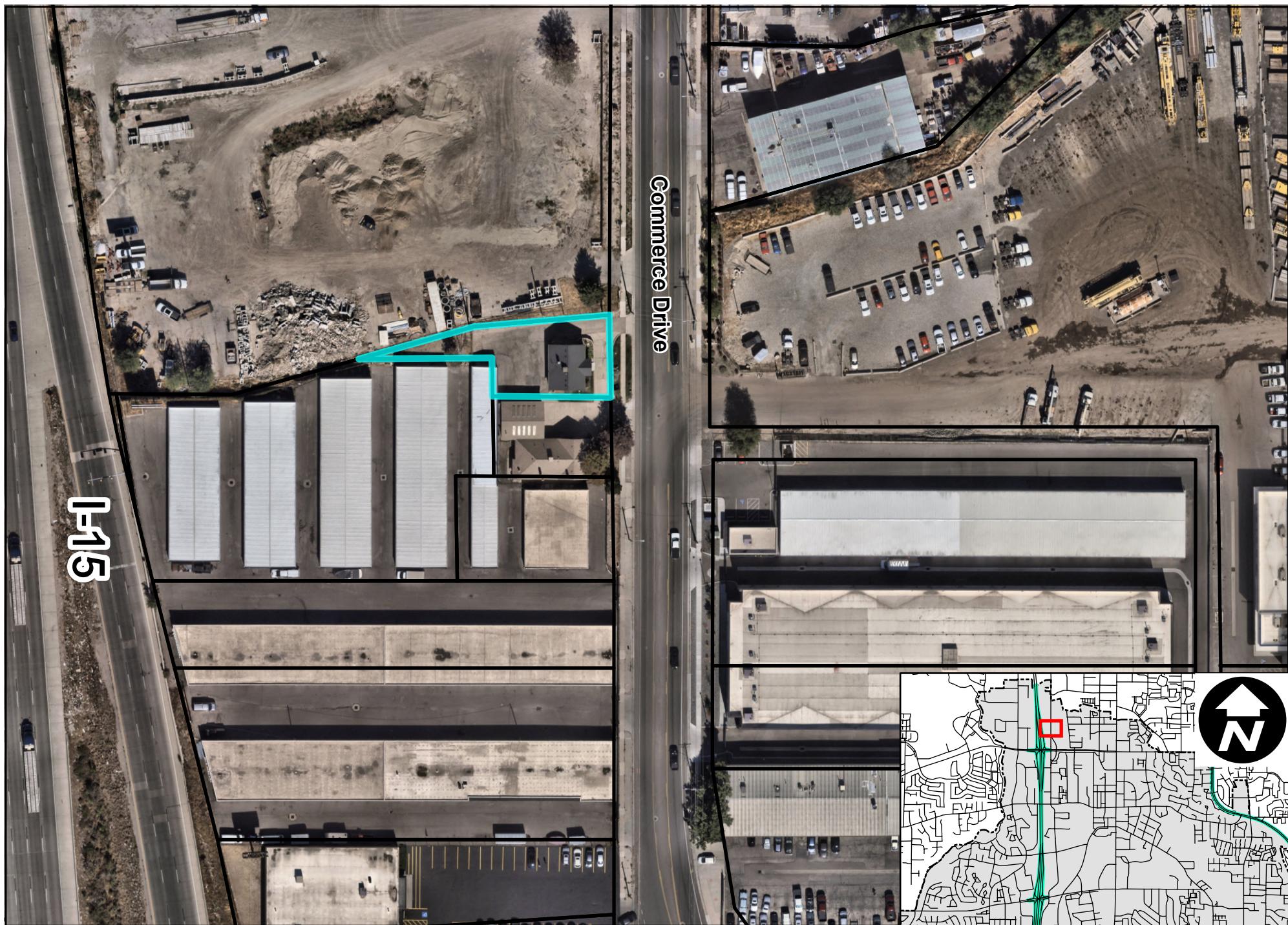


Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

4314 South Commerce Drive



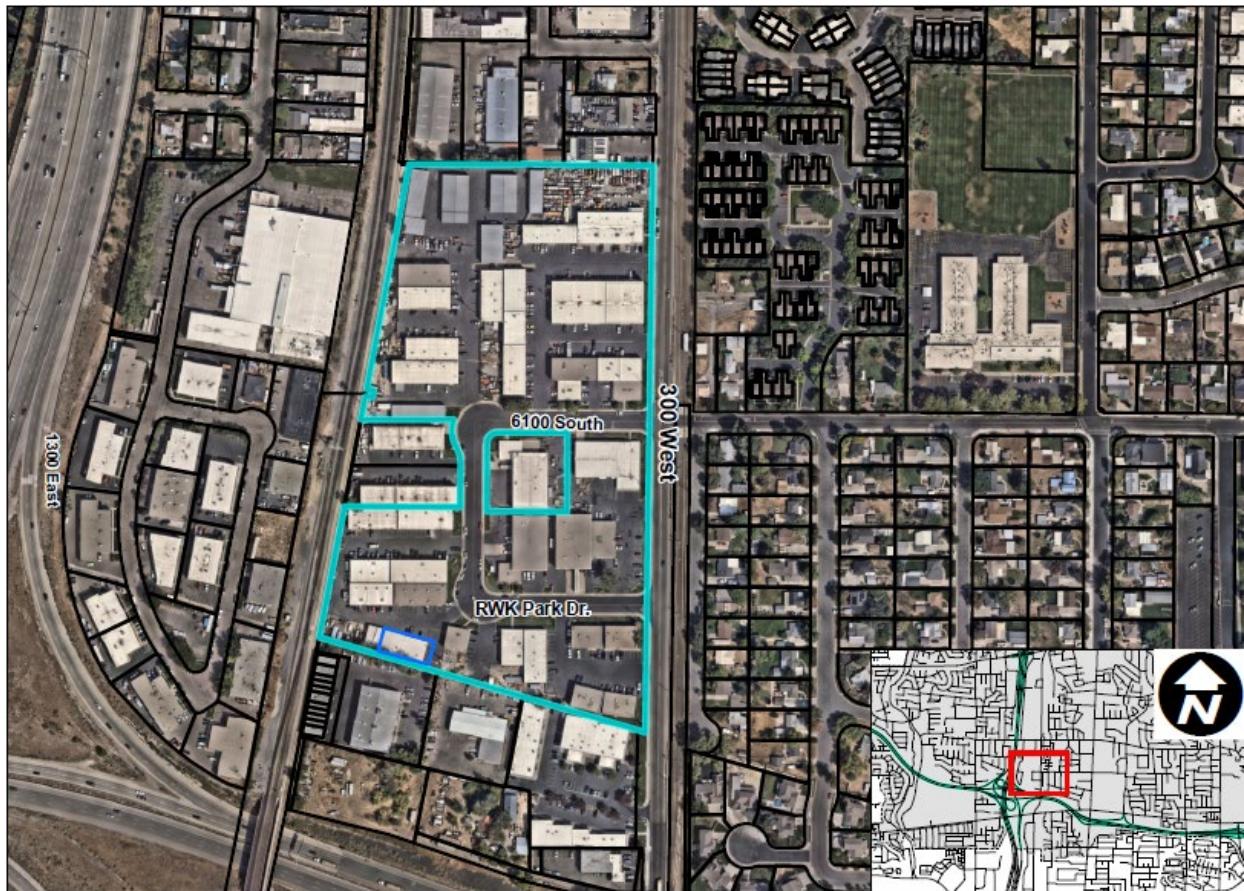
4314 South Commerce Drive





AGENDA ITEM #06 – Hell's Gate Gym

ITEM TYPE:	Conditional Use Permit to expand an existing gym facility.		
ADDRESS:	363 West 6160 South	MEETING DATE:	January 15 th , 2026
APPLICANT:	Hell's Gate Gym	STAFF:	David Rodgers, Senior Planner
PARCEL ID:	21-24-201-041	PROJECT NUMBER:	#25-116
ZONE:	M-G, Manufacturing General		
SIZE:	15.87-acre site 3,200 ft ² unit		
REQUEST:	The applicant is requesting Conditional Use Permit approval to expand an existing gym facility located at 363 West 6160 South into an adjacent unit.		



I. LAND USE ORDINANCE

Section 17.152.030 of the Murray City Land Use Ordinance allows gymnasiums, athletic clubs, and body building studios (LU #7425) within the M-G zoning district subject to Conditional Use Permit approval.

II. BACKGROUND

Project Location

This application is for an existing gym facility that is located north of the I-215 interchange and is accessed off 300 West. The subject property and all other surrounding properties are located within the M-G, Manufacturing General zoning district.

Project Description

The applicant currently operates a private gym from the subject property, utilizing all the square footage of the building addressed 333 West 6160 South. They propose to operate out of a third building at the subject address to add to their current operations. Gymnasiums, athletic clubs, and body building studios require Conditional Use review and approval in the M-G Zone.

Operations

The applicant states that this is a private gym with limited memberships that are offered. The applicant has indicated that there are no more than 35 people over a period of 24 hours. They have indicated that the additional space will be for improved training flow and allow greater space to perform the exercises rather than add additional customers.

Floor Plans

The majority of the floor area of the building from which the business is operated is an open space. There is a small reception and office located on the north side of the building that is accessed by a standard door. The west portion of the building contains an overhead and standard door that opens to the parking lot area. There are two restrooms in the building: one off the reception area and one in the warehouse area. The additional area is an open space where the members of the gym have additional space to perform the exercises.

Access

The building from which the business is operated is located on the interior of the industrial park. Access is provided through a thirty-seven foot (37') wide driveway that serves the subject and a second building. Access to the parking lot is provided by way of a private road (6160 South) which loops through the industrial park from 300 West.

Parking

Because the subject building (333 West 6160 South) is located on the interior of a large

industrial park, parking must be adequate for the neighboring business as well as to serve the additional private gym. Chapter 17.72 of the Murray City Land Use Ordinance does not have a standard for gymnasiums. The applicant states that there are nine (9) spaces immediately adjacent to their proposed building and additional parking has been secured on the other side of the parking lot. Based on the applicant's operation and statements, which are included as an attachment to this report and reviewing the parking standards for an Athletic Club in the ITE parking standards, staff recommends that the proposed number of stalls for the use and area are adequate.

Landscaping

Section 17.68 requires "landscaping in the front setback area for commercial properties". The subject property (the building addressed 333 West 6100 South) has no direct frontage on a public street where landscaped setbacks and other improvements would be required by the Land Use Ordinance. Due to the location and layout of this site, the land use ordinance does not require any changes or additional landscaping for this application.

Trash Enclosures

Section 17.76.170 requires that refuse containers be enclosed by a solid barrier fence with attached solid barrier access gates. Staff has determined that there is a trash enclosure on site from a previous approval that meets code requirements. No additional trash enclosures are needed.

III. LAND USE ORDINANCE STANDARDS REVIEW

Murray City Code Section 17.56.060 outlines the following standards of review for conditional uses.

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well- being of the community and the neighborhood.**

With compliance to city regulations, the proposed use will provide a service that will contribute to the operations of a business-oriented location within Murray City.

- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of person residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

The proposed use will not be detrimental to the health, safety, or general welfare of persons working in the vicinity.

- C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking, and traffic circulation, use of appropriate gradation of building height away from single family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in**

harmony with the area, impact on schools, utilities, and streets.

The gym is currently operating in the area, and the expansion will allow their business to continue to grow. Staff is anticipating very little impact on the surrounding area.

D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.

The applicant has submitted sufficient information for an adequate review of this Conditional Use Permit application by Murray City Staff and the Murray City Planning Commission. Additional materials may be required after the Planning Commission's review or as stated in the Staff Report.

IV. CITY DEPARTMENT REVIEW

The application materials for the gym were made available to Murray City department staff for review and comment on December 16th, 2025. Reviewing personnel included the Engineering and Building Divisions, and the Water, Wastewater, Power, and Fire Departments. All reviewing departments recommended approval without conditions or concerns.

V. PUBLIC INPUT

Seventeen (17) notices of the public meeting were sent to all property owners for parcels located within 300 feet of the subject property. As of the date of this report, staff has not received any public comments.

VI. FINDINGS

Based on the analysis of the Conditional Use Permit application to allow an automobile sales business, staff concludes the following:

1. The proposed use for gymnasiums, athletic clubs, and body building studios (LU #7425), is allowed in the M-G Manufacturing General Zoning District subject to Conditional Use Permit approval.
2. With conditions as outlined in the staff report, the proposed use and property will comply with the standards of the Murray City Land Use Ordinance.
3. The proposed use is not contrary to the goals and objectives of the Murray City General Plan in this area.

VII. CONCLUSION/RECOMMENDATION

Based on the information presented in this report, application materials submitted and a site review, staff recommends that the **Planning Commission APPROVE a Conditional Use Permit to allow a gymnasium, athletic club, and body building studio at the property**

addressed 363 West 6160 South, subject to the following conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The applicant shall obtain a building permit prior to any remodeling that may occur.
3. Prior to approval of the business license, the applicant and/or property owner must ensure all required parking is striped.
4. The applicant must meet all parking requirements.
5. The project shall comply with all applicable building and fire code standards.
6. The applicant shall obtain permits for any new attached or detached signs proposed for the business.

From: mike@hellsgategym.com
To: [David Rodgers](mailto:David.Rodgers@murray.utah.gov)
Subject: [EXTERNAL]Re: Hell's Gate Gym Application questions
Date: Wednesday, December 17, 2025 10:00:05 AM

On 2025-12-16 14:55, David Rodgers wrote:

> Hi Michael,
>
> My name is David, and I am the planner who is working on the
> Conditional Use Permit for the expansion of Hell's Gate Gym. For my
> staff report that I will use in my presentation to the Planning
> Commission, I have two quick questions wanted to ask:
>
> * How many people on average attend Hell's Gate in a given day, and
> how much of an increase do you expect with the expansion?
> * What are your current hours of operation, and will those be
> changing at all?
>
> Once I have the answers, I can incorporate them into my report. Feel
> free to let me know if you have any questions for me about the
> application process.
>
> Thank you,
>
> David Rodgers
>
> Senior Planner | Murray City Planning Division
>
> 10 East 4800 South, Suite 260 | Murray UT 84107
>
> Phone: (801) 270-2430 | Direct: (801) 270-2423
>
> drodgers@murray.utah.gov

David,

Hey hope you're having a great day. Here are the answers to your questions you had asked.

How many people attend Hells Gate on an average day I would estimate about 35 people during a 24 hour period. With the expansion, we do not necessarily plan to increase more then 10-20 members in a 24 hour period, as we offer an exclusive gym with limited memberships. The expansion will be primarily to allow for more space and improved training flow rather than a significant increase in overall traffic.

The gym currently offers members 24 hour access. We plan to continue to keep those hours as it separates the flow of members. Most majority of members come either early morning hours or in the evening hours after all the other Business in our industrial park have closed. Access at all times to the gym is only permitted to members scanning their door pass for entry.

Let me know if you have any other questions thanks. I appreciate your time.

-Mike



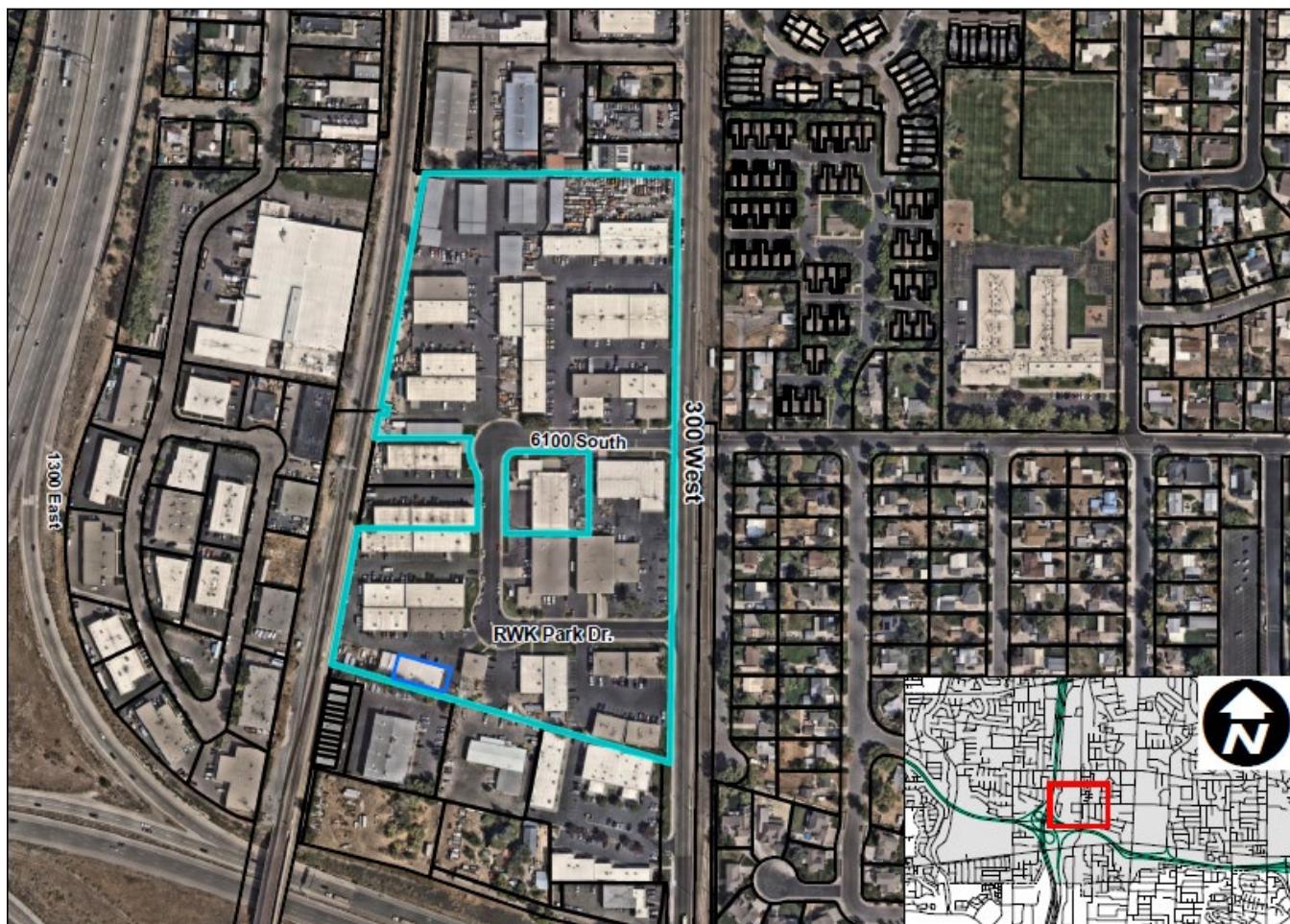
NOTICE OF PUBLIC HEARING

January 15th, 2026, 6:30 PM

The Murray City Planning Commission will hold a public meeting in the Murray City Council Chambers, located at 10 East 4800 South to receive public comment on an application submitted by **Hell's Gate Gym** for the property located at **363 West 6160 South**. The applicant is requesting Conditional Use Permit approval to expand an existing gym facility into an additional building.

To make comments regarding this application, the public may speak at the meeting, call the Murray City Planning Division at (801) 270-2430, or email pc@murray.utah.gov. You have received this notice because you own property within 300 feet of the subject property.

The meeting will be streamed online at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.



Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

EXHIBIT A

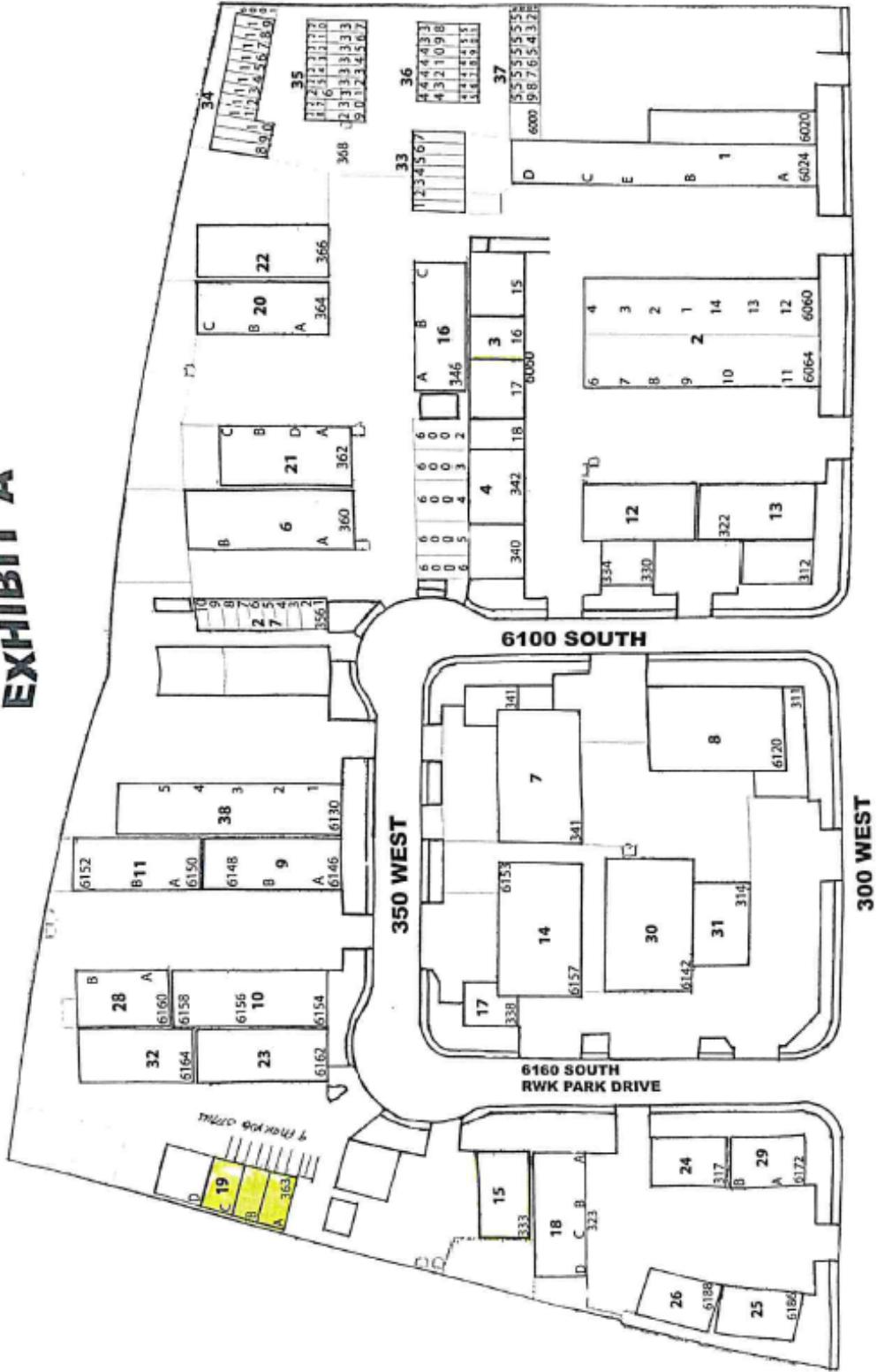
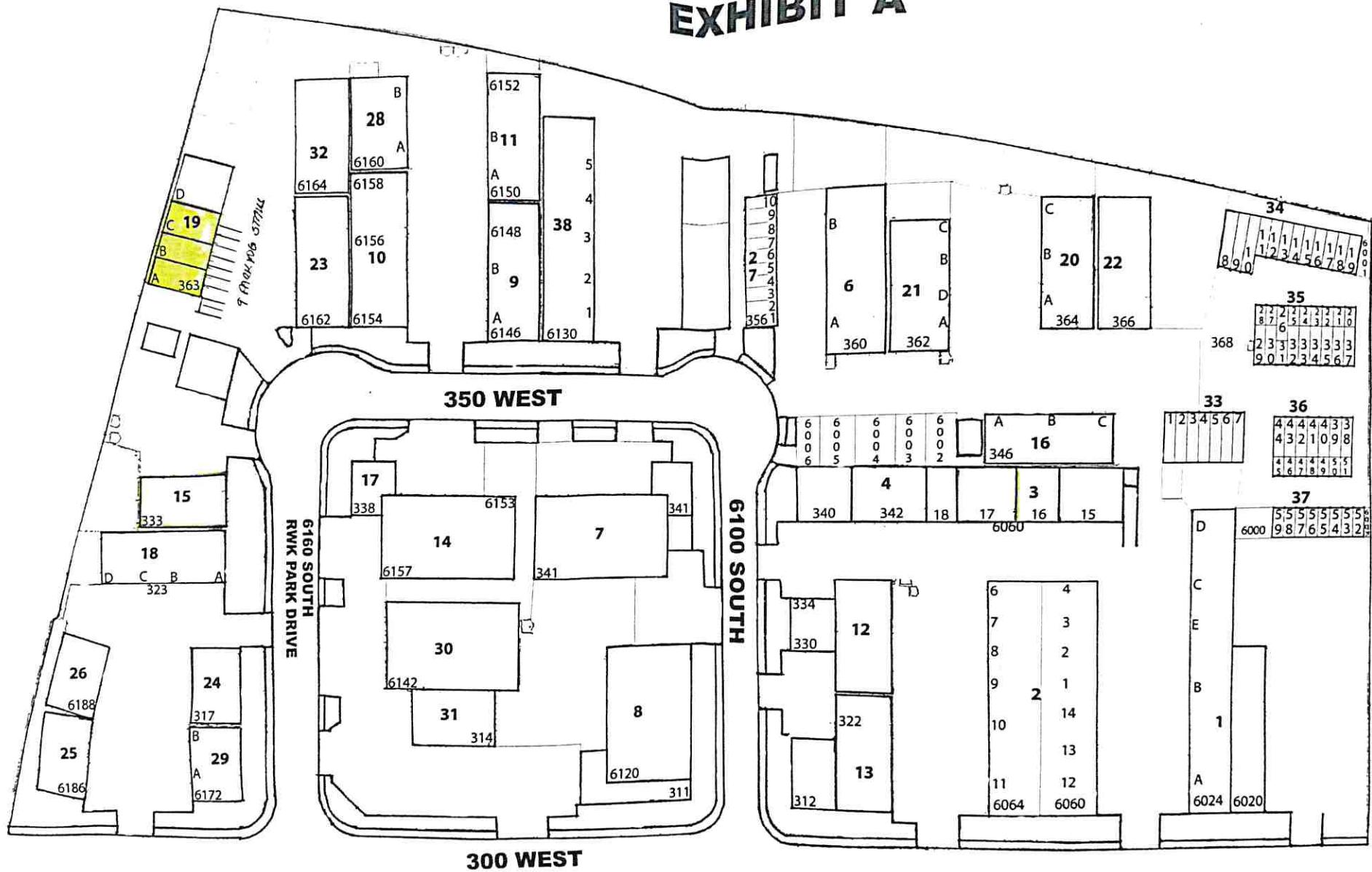
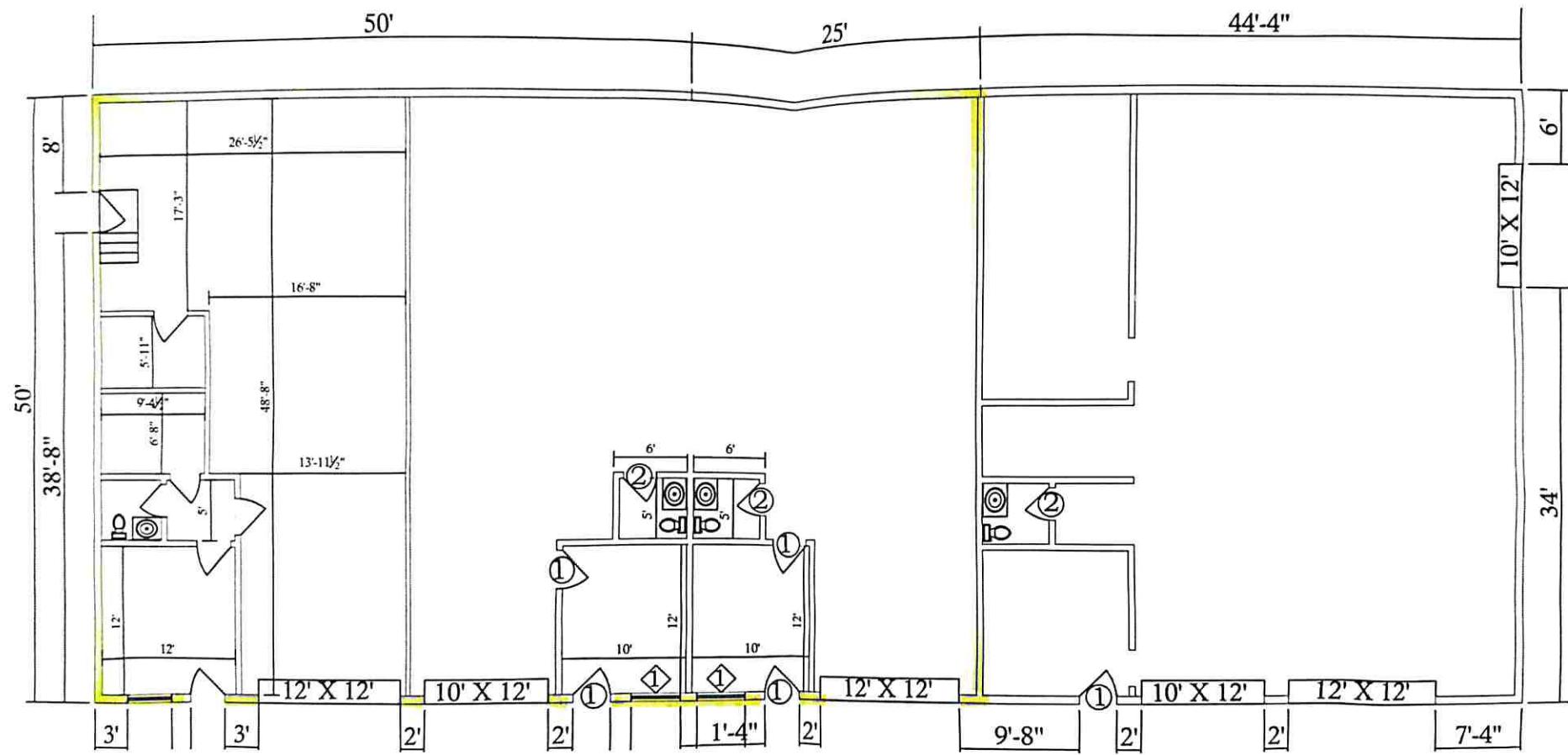
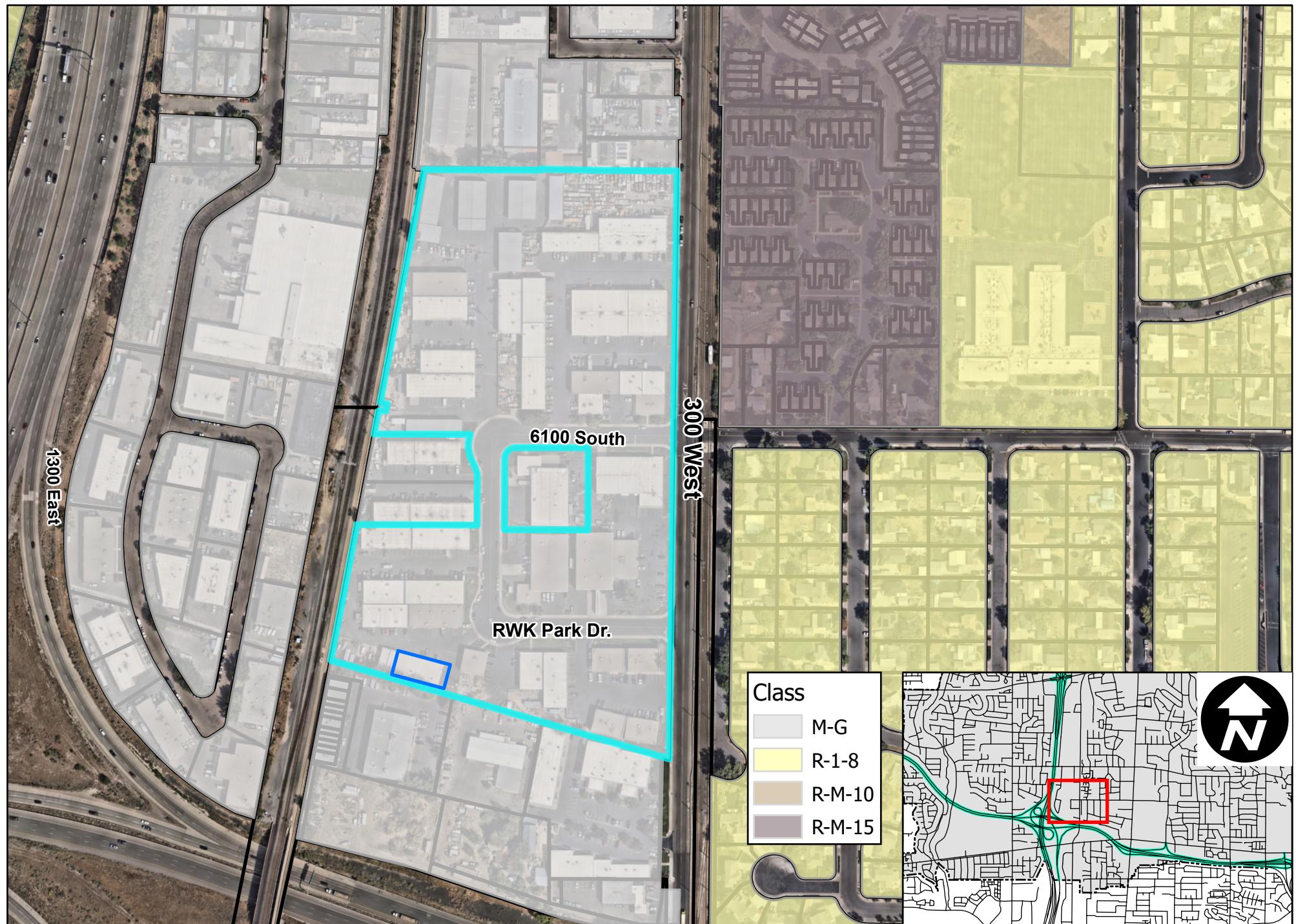


EXHIBIT A

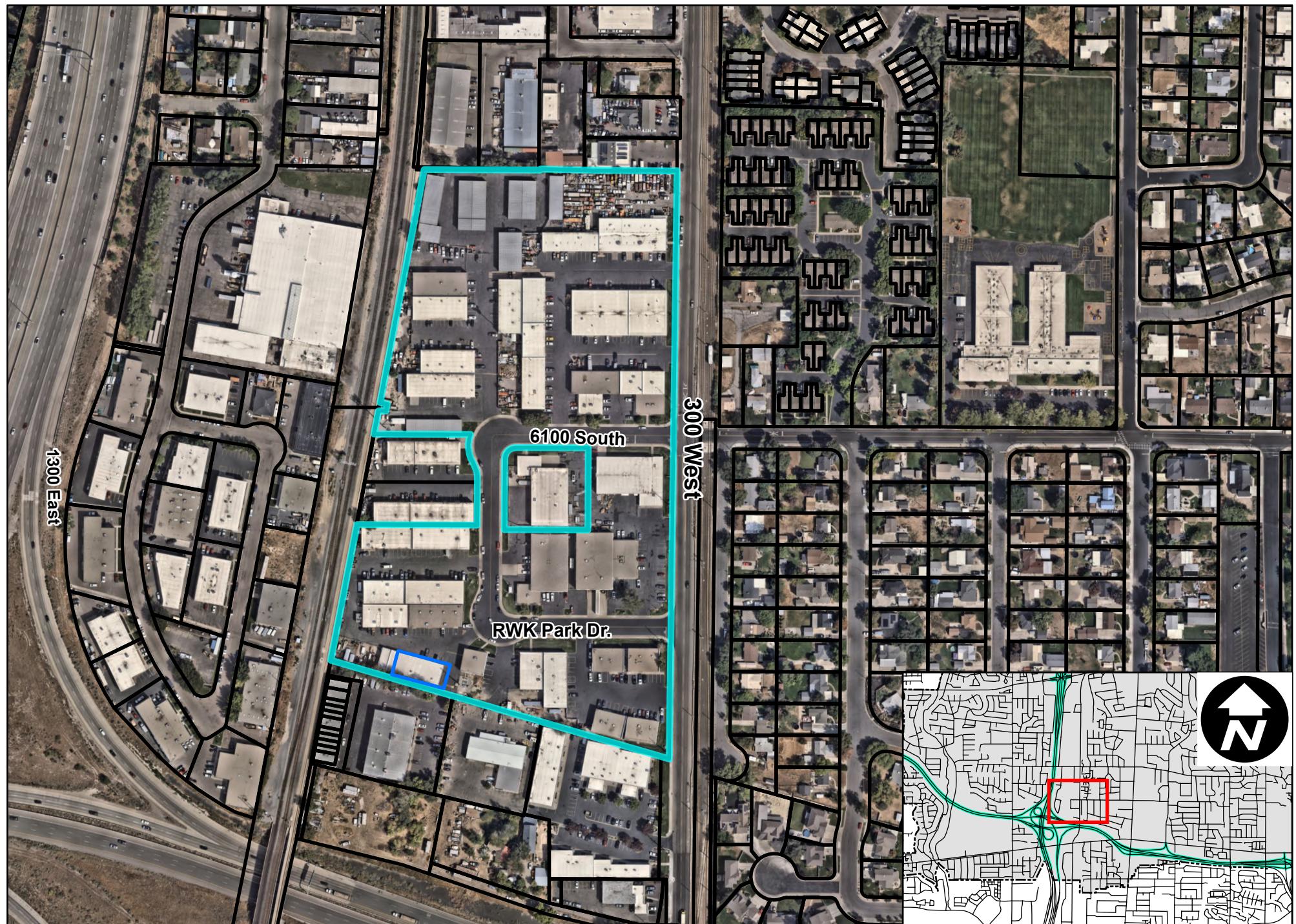




363 West 6160 South Suite A, B, & C



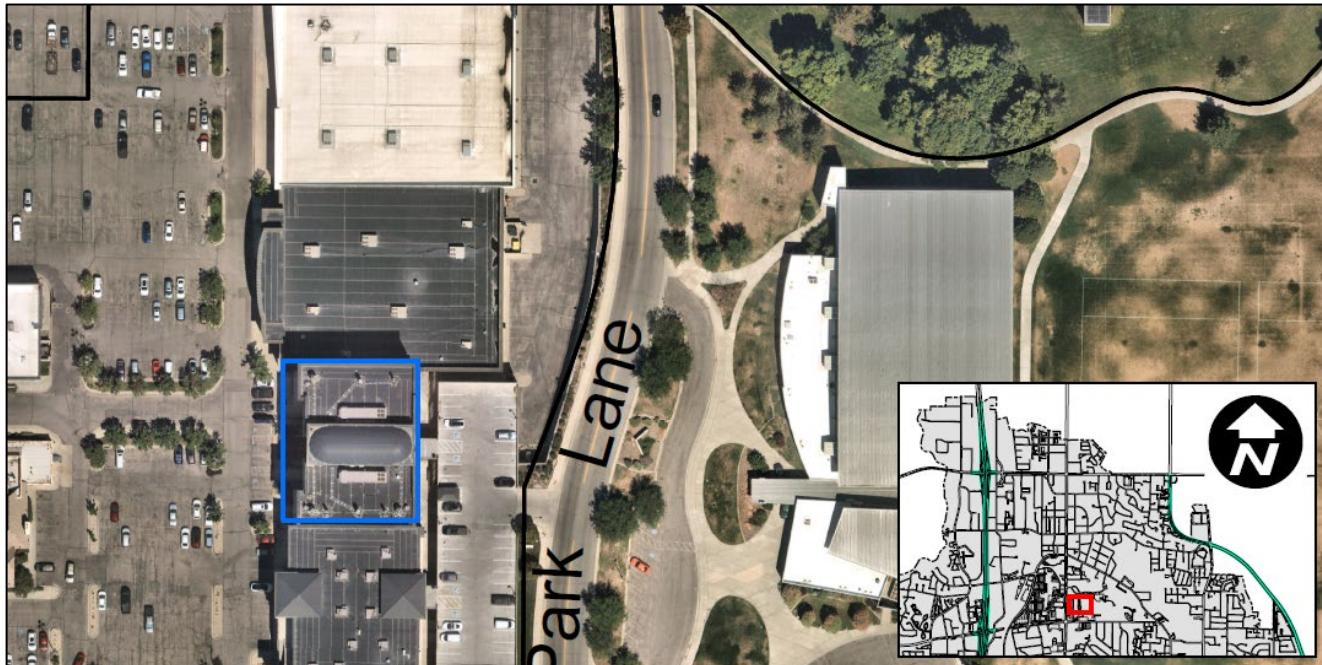
363 West 6160 South Suite A, B, & C





AGENDA ITEM #07
The Pointe @ 53rd Amended Subdivision

ITEM TYPE:	Subdivision Amendment Review		
ADDRESS:	5217 South State Street	MEETING DATE:	January 15, 2026
APPLICANT:	Tina Franco, Howland Partners, Inc	STAFF:	Zachary Smallwood, Planning Manager
PARCEL ID:	22-07-306-001 through 017	PROJECT NUMBER:	26-002
ZONE:	CMU		
SIZE:	0.29 acre site consolidation of office condos		
REQUEST:	The applicant is requesting to vacate the 16 office condos that were approved in 2023.		



I. LAND USE ORDINANCE

Utah State Code 10-20-812 requires Land Use Authority approval for vacation of or amendment to a plat. Title 16, Subdivision Ordinance, Section 16.04.040(F) requires the subdivision of property to be reviewed and approved by Murray City Planning Commission as the Land Use Authority.

The proposed subdivision vacation has been reviewed for compliance with the requirements of the CMU, Centers Mixed-Use Zone as outlined in Chapter 17.146 of the Murray City Land Use Ordinance.

II. BACKGROUND

On January 5, 2023, the Planning Commission granted preliminary and final subdivision amendment approval to create sixteen (16) office condos that encompasses the office building located with the Pointe @53rd commercial development. The applicant has requested to vacate the office condominiums and retain the building as one piece of property.

Project Location

The subject property is located on the corner of 5300 South and State Street. The Pointe at 53rd has multiple retail and restaurant users and includes the subject office building.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Murray Park	O-S
South	Commercial	C-D
East	County Ice Center & Murray Park	O-S
West	Commercial	C-D

Project Description & Review

The proposal is to vacate the sixteen (16) condo units that were approved in 2023. The applicant has decided not to continue with the condominium approach and retain the building. The CMU Zone does not have a minimum square footage for a commercial use.

III. STATE AND MUNICIPAL CODE REVIEW STANDARDS

Title 16, Subdivision Ordinance of the Murray City Code outlines the requirements for subdivision review. Utah State Code (10-20-812) states that a subdivision plat may not be recorded until approved by the Land Use Authority of the City. The Planning Commission's role as the Land Use Authority is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the City. The Planning Commission makes investigations, reports and recommendations on proposed subdivisions as to their conformance to the General Plan, Title 17 of City Code, and other pertinent documents as it deems necessary. After completing its review of the preliminary plat, the Planning

Commission shall review and approve or disapprove the final plat in accordance with Section 16.12.070 of City Code.

IV. CITY DEPARTMENT REVIEW

The application and materials were distributed to various departments for their review and comments on December 30, 2025. The following comments have been provided in response. Where appropriate, the comments are addressed as conditions of approval:

Engineering Division

1. Meet City subdivision requirements and standards – City Code Title 16.
2. Provide and record a Declaration of Dissolution document.
3. Address all City and County comments prior to printing the plat to mylar.

Murray City Power Department

1. Existing underground power is located around the perimeter of this property.
2. If changes/additions are to be made for future buildings, the developer will need to keep safety clearance for future powerlines and equipment as a top priority.
3. We have seen lately that development design have buildings from lot line to lot line without giving thought to the infrastructure and facilities to serve utilities.

V. PUBLIC INPUT

Six (6) notices were mailed to property owners within a 300' radius. As of the writing of this staff report, there has been no comments.

VI. FINDINGS

Based on the analysis and review of the proposed condominium subdivision vacation and a survey of the subject property, staff concludes the following:

1. The subdivision of land is allowed by Utah State Code Section 10-20-812, and with conditions this condominium subdivision vacation will meet the requirements therein.
2. There is good cause for the vacation and no public street or municipal utility easement are proposed to be vacated or amended.
3. The proposed condominium vacation complies with the CMU Zoning regulations.
4. The proposed condominium vacation complies with the regulations of Title 16, Subdivision Ordinance and with the applicable standards of the Chapter 17.162, of the Murray Land Use Ordinance.

VII. CONCLUSION/RECOMMENDATION

Based on the information presented in this report, application materials submitted and a site review, staff recommends that the **Planning Commission GRANT subdivision amendment approval for the Pointe at 53rd Office Building Condo Vacation on the property located at 5217 South State Street**, subject to the following conditions:

1. The project shall meet Murray City Engineering Division requirements.
2. The applicant shall meet all Wastewater Division requirements.
3. The applicant shall meet all Water Division requirements.
4. The applicant shall meet all Power Department requirements including.
5. The project shall meet all requirements of the Murray City Land Use Ordinance.
6. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
7. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.



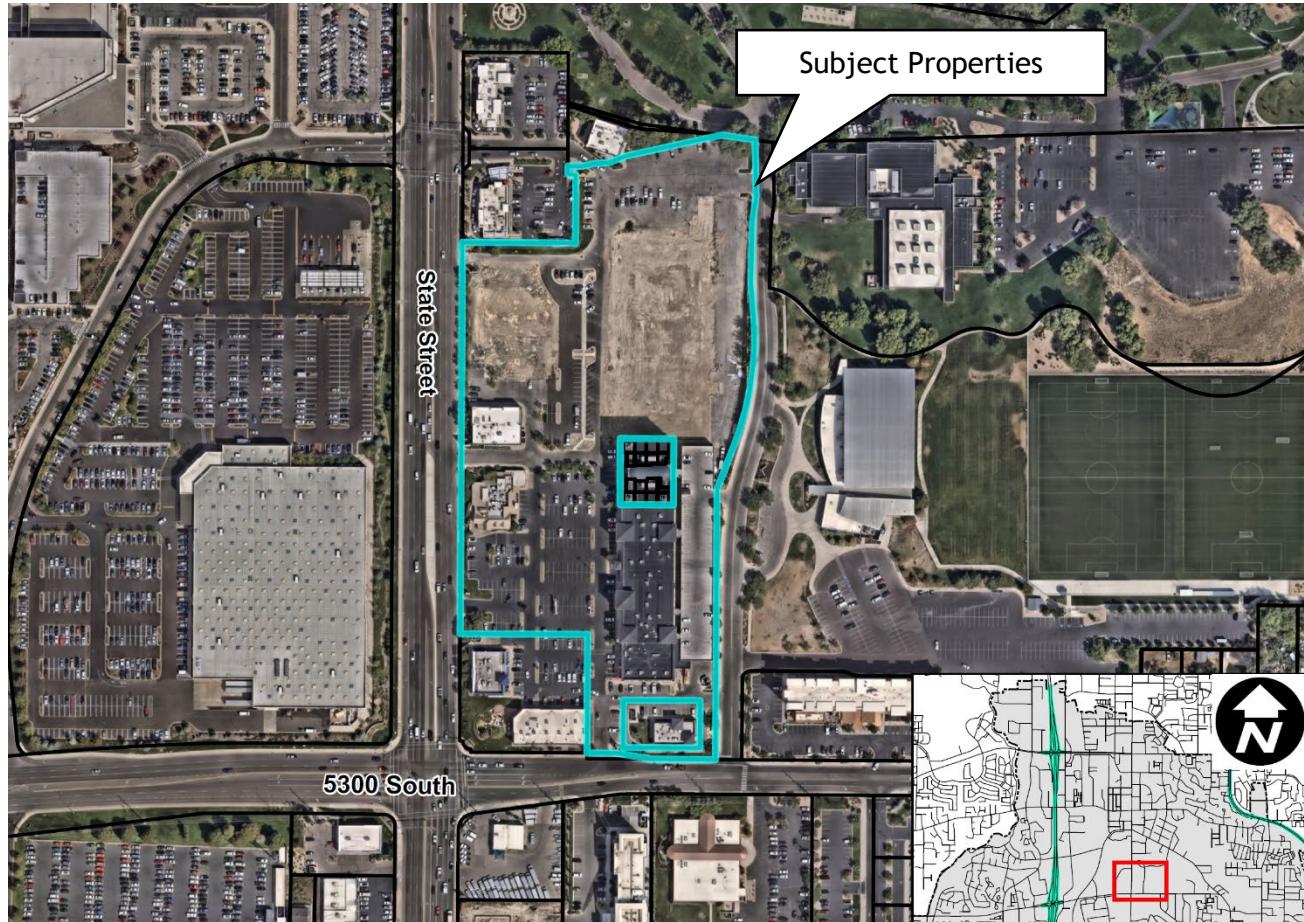
NOTICE OF PUBLIC MEETING

January 15th, 2026, 6:30 PM

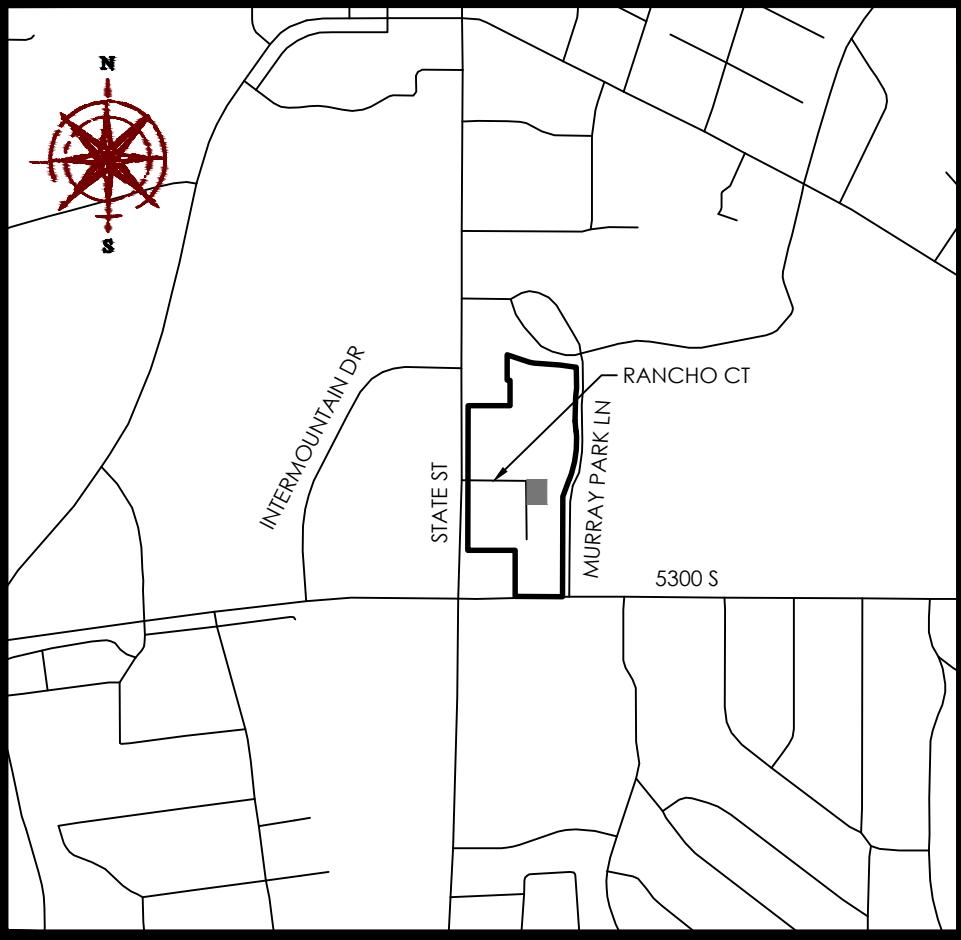
The Murray City Planning Commission will hold a public meeting in the Murray City Council Chambers, located at 10 East 4800 South to receive public comment on an application submitted by **The Pointe at 53rd, L.C.** for the properties located at **5215 South State Street**. The applicant is requesting a Subdivision Amendment for the Pointe at 53rd Office Condominiums subdivision to dissolve the office condominium portion.

To make comments regarding this application, the public may speak at the meeting, call the Murray City Planning Division at (801) 270-2430, or email pc@murray.utah.gov. You have received this notice because you own property within 300 feet of the subject property.

The meeting will be streamed online at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.



Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.



LEGEND

- BOUNDARY
- SECTION LINE
- EASEMENT
- RIGHT-OF-WAY LINE
- MONUMENT LINE
- BUILDING SETBACK
- EXISTING PROPERTY LINE
- LOT LINE
- SECTION MONUMENT (CALCULATED)
- BOUNDARY MARKERS
- STREET MONUMENT (TO BE SET)



GRAPHIC SCALE

10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.

SHEET 1 of 1

OWNER/DEVELOPER
HOWLAND PARTNERS, INC.
P.O. BOX 57427
MURRAY 84157
Phone: (801) 253-8950

RECORD OF SURVEY

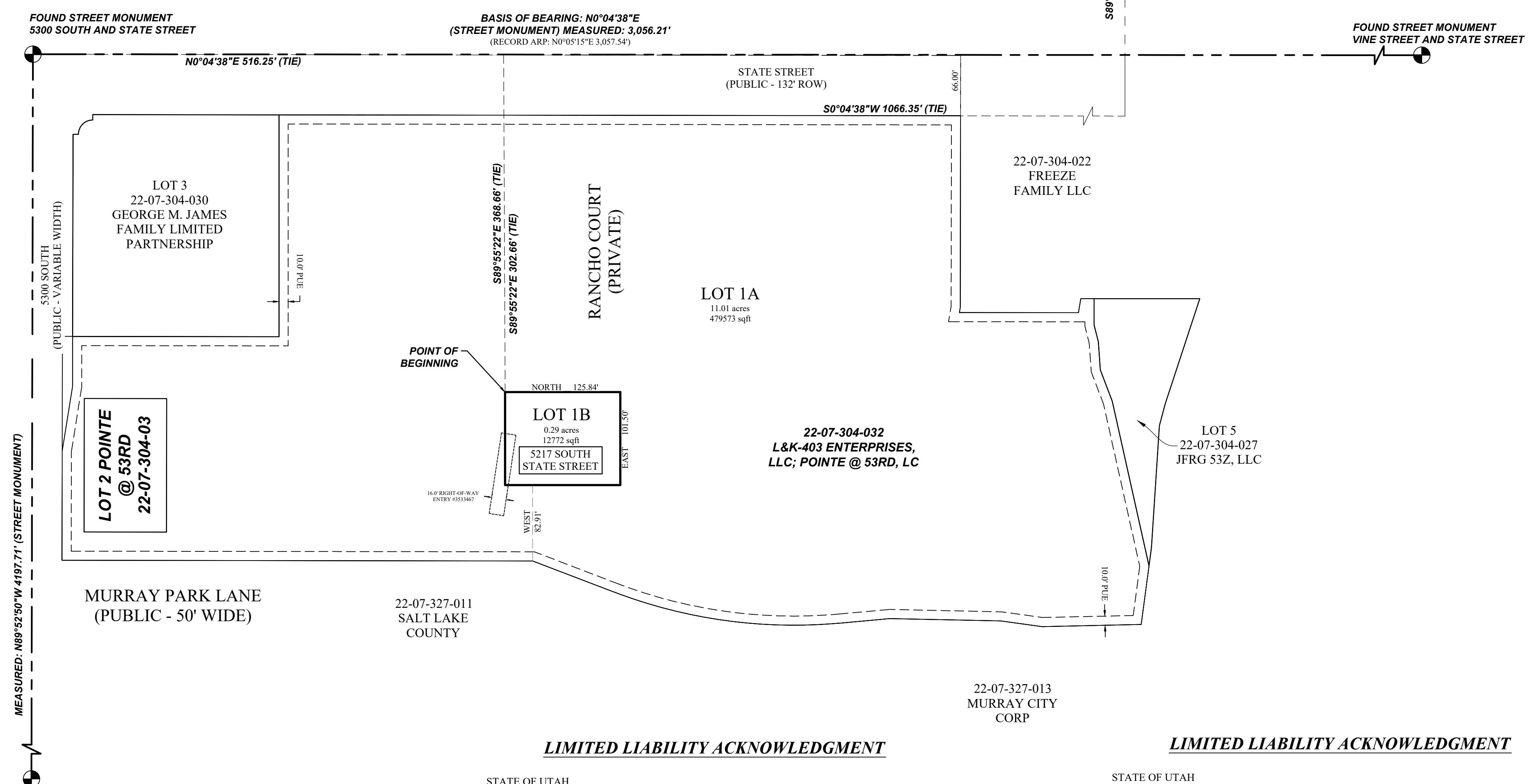
2023-01-0088 R.O.S. #

COUNTY SURVEYOR REVIEWER DATE

FOCUS
ENGINEERING AND SURVEYING, LLC
6949 S. HIGH TECH DRIVE SUITE 200
MIDVALE, UTAH 84047 PH: (801) 352-0075
www.focus-es.com

The Pointe @ 53rd AMENDED

AMENDING THE POINTE @ 53RD OFFICE CONDOMINIUMS
AND VACATING UNITE 101-104, 201-204, 301-304, 401-404
FINAL PLAT
LOCATED IN THE SW1/4 OF SECTION 7, T2S, R1E,
SALT LAKE BASE & MERIDIAN
MURRAY CITY, SALT LAKE COUNTY, UTAH



LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF _____

ON THE ____ DAY OF _____ A.D. 20 ____ PERSONALLY APPEARED BEFORE
ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF _____
IN SAID STATE OF UTAH, _____, WHO
AFTER BEING DULY SWEORN, ACKNOWLEDGED TO ME THAT HE/SHE IS THE
OF _____ L.L.C., A UTAH L.L.C. AND THAT
HE/SHE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN
BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN
MENTIONED.

MY COMMISSION EXPIRES: _____
COUNTY
MY COMMISSION No. _____
PRINTED FULL NAME OF NOTARY

LIMITED LIABILITY ACKNOWLEDGMENT

STATE OF UTAH
S.S.
COUNTY OF _____

ON THE ____ DAY OF _____ A.D. 20 ____ PERSONALLY APPEARED BEFORE
ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF _____
IN SAID STATE OF UTAH, _____, WHO
AFTER BEING DULY SWEORN, ACKNOWLEDGED TO ME THAT HE/SHE IS THE
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HE/SHE SIGNED THE OWNER'S DEDICATION FREELY AND VOLUNTARILY FOR AND IN
BEHALF OF SAID LIMITED LIABILITY COMPANY FOR THE PURPOSES THEREIN
MENTIONED.

MY COMMISSION EXPIRES: _____
COUNTY
MY COMMISSION No. _____
PRINTED FULL NAME OF NOTARY

MURRAY CITY PLANNING COMMISSION	MURRAY GIS	MURRAY CITY FIRE DEPARTMENT	MURRAY SEWER DIST.	MURRAY WATER
APPROVED THIS ____ DAY OF A.D. 20 ____ BY THE MURRAY CITY PLANNING COMMISSION	APPROVED THIS ____ DAY OF A.D. 20 ____ BY:	APPROVED THIS ____ DAY OF A.D. 20 ____ BY:	APPROVED THIS ____ DAY OF A.D. 20 ____ BY:	APPROVED THIS ____ DAY OF A.D. 20 ____ BY:
CHAIR, PLANNING COMMISSION				
MURRAY POWER	MURRAY CITY ENGINEER	MURRAY CITY MAYOR	APPROVAL AS TO FORM	SALT LAKE COUNTY HEALTH DEPT.
APPROVED AS TO FORM THIS DAY OF _____ A.D. 20 ____ BY:	MURRAY CITY ENGINEER DATE BY:	PRESENTED TO MURRAY CITY THIS ____ DAY OF A.D. 20 ____ AT WHICH THIS SUBDIVISION WAS APPROVED AND ACCEPTED ATTEST: _____ MURRAY CITY MAYOR BY:	APPROVED AS TO FORM THIS ____ DAY OF A.D. 20 ____ BY:	APPROVED THIS ____ DAY OF A.D. 20 ____ BY: CENTURYLINK DATE UTOPIA DATE COMCAST DATE
				EASEMENT APPROVAL

SURVEYOR'S CERTIFICATE

I, Justin Lundberg, do hereby certify that I am a Professional Land Surveyor, and that I hold Certificate No. 12554439 in accordance with Title 58, Chapter 22 of the Professional Engineers and Land Surveyors Act; I further certify that by authority of the owners I have completed a survey of the property described on this subdivision plat in accordance with Section 17-23-17, have verified all measurements and have subdivided said tract of land into a lot, together with easements, and the same has, or will be correctly surveyed, and monumented on the ground as shown on this Plat, and that this Plat is true and correct.

Justin Lundberg
Justin Lundberg
Professional Land Surveyor
License No. 12554439
12/01/25
Date
PROFESSIONAL LAND SURVEYOR
No. 12554439
STATE OF UTAH

BOUNDARY DESCRIPTION

A part of the Southwest Quarter of Section 7, Township 2 South, Range 1 East, Salt Lake Base and Meridian (Basis of Bearing: N0°04'38"E 3056.21 feet along the monument line between two Salt Lake County monuments located in State Street at 5300 South and Vine Street), located in Murray City, Salt Lake County, Utah, being more particularly described as follows:

Beginning at the Southeast Corner of Lot 1B, of The Pointe @ 53rd Amended Subdivision, on file in the Salt Lake County Recorders office as Entry No. 14158789, recorded on October, 2, 2023. Said point also being located N0°04'38"E 516.25 feet along the monument line, and S89°55'22"E 368.66 feet from the Salt Lake County monument located at State Street and 5300 South, said point also being located S89°59'23"E 896.04 feet, and S0°04'38"W 1066.35 feet, and S89°55'22"E 302.66 feet from the West Quarter Corner of Section 7, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence along said Lot 1B the following four (4) courses: 1) North 125.84 feet; 2) thence East 101.50 feet; 3) thence South 125.84 feet; 4) thence West 101.50 feet to the point of beginning.

Contains: 0.29 Acres +/-

CORPORATE ACKNOWLEDGMENT

LIMITED LIABILITY COMPANY

STATE OF UTAH
S.S.
COUNTY OF _____
ON THE ____ DAY OF _____ A.D. 20 ____ PERSONALLY APPEARED BEFORE
ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF _____
IN SAID STATE OF UTAH, _____, WHO AFTER BEING DULY SWEORN, ACKNOWLEDGED
TO ME THAT HE IS THE _____ OF _____ A UTAH INC. AND THAT HE SIGNED THE OWNERS
DEDICATION FREELY AND VOLUNTARILY FOR AND IN BEHALF OF SAID COMPANY FOR
THE PURPOSES THEREIN MENTIONED.

MY COMMISSION EXPIRES: _____
A NOTARY PUBLIC COMMISSIONED IN
COUNTY
MY COMMISSION No. _____
PRINTED FULL NAME OF NOTARY

THE POINTE @ 53RD Amended

AMENDING THE POINTE @ 53RD OFFICE CONDOMINIUMS
AND VACATING UNITS 101-104, 201-204, 301-304, 401-404

THE POINTE @ 53RD, L.C. L&K-403Enterprises, LLC
NAME _____ NAME _____
TITLE _____ TITLE _____

The Pointe @ 53rd Amended

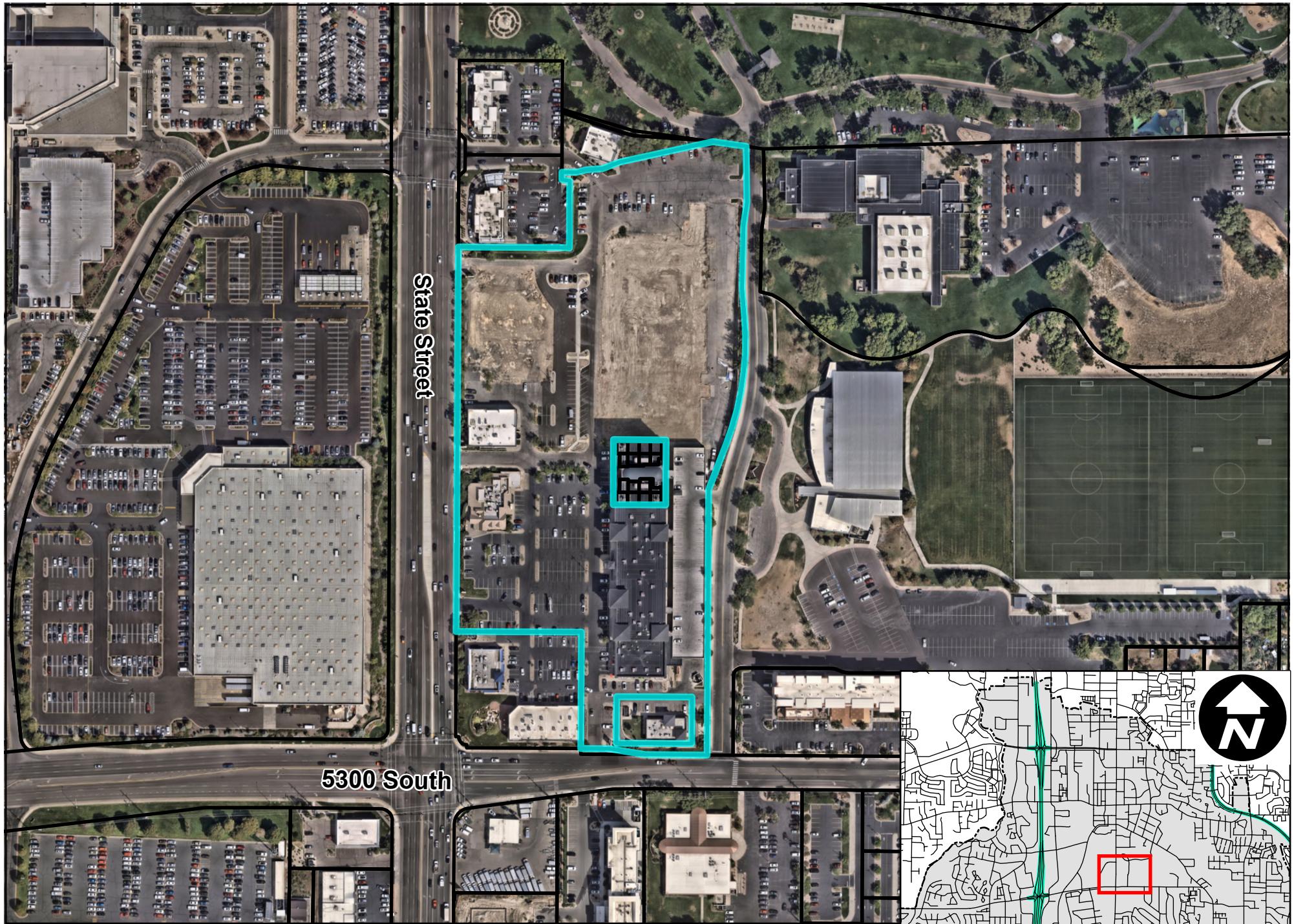
AMENDING THE POINTE @ 53RD OFFICE CONDOMINIUMS
AND VACATING UNITS 101-104, 201-204, 301-304, 401-404

FINAL PLAT
LOCATED IN THE SW1/4 OF SECTION 7, T2S, R1E,
SALT LAKE BASE & MERIDIAN
MURRAY CITY, SALT LAKE COUNTY, UTAH

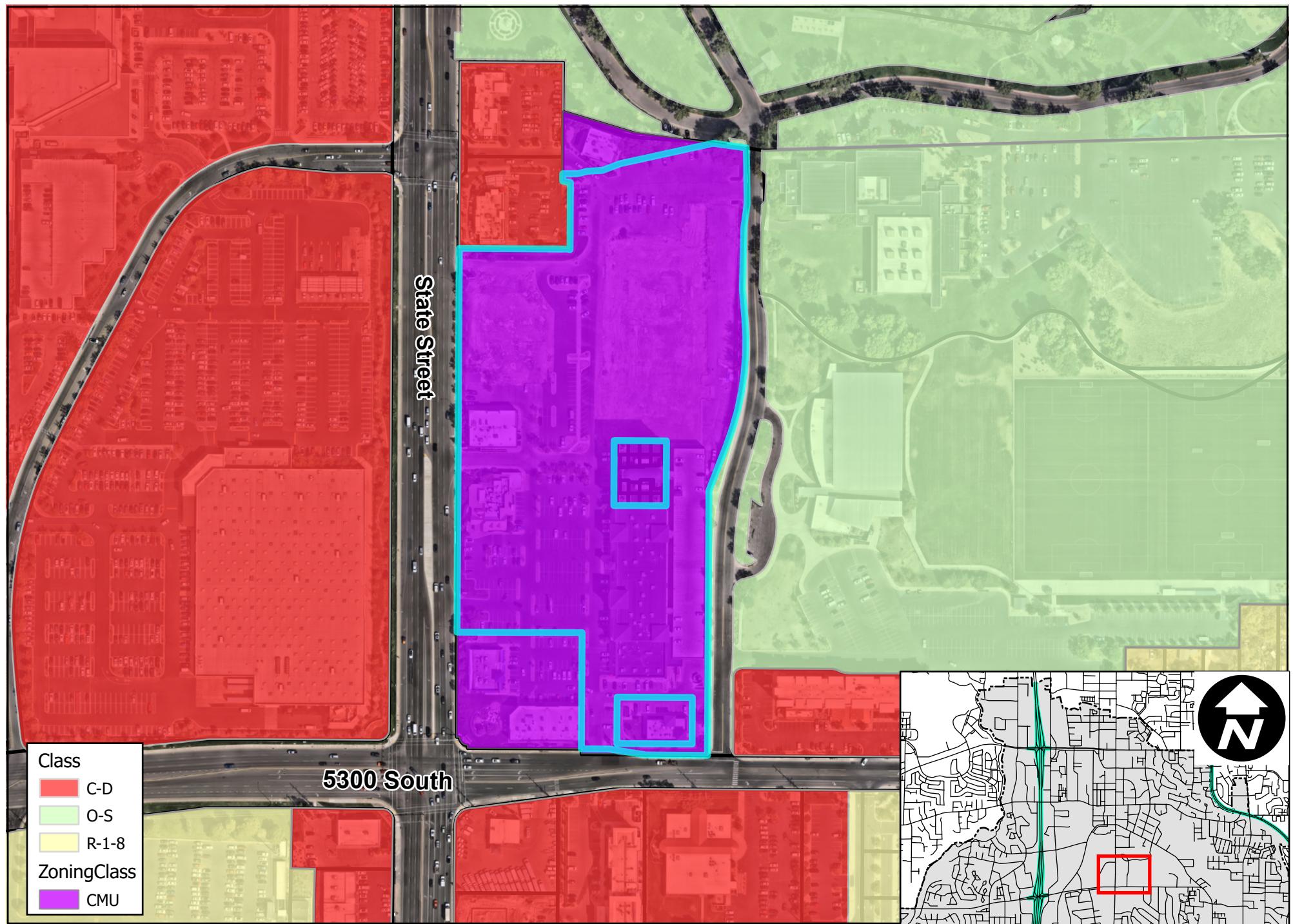
SALT LAKE COUNTY RECORDER

RECORDED # _____
STATE OF UTAH, COUNTY OF SALT LAKE, RECORDED AND FILED AT THE REQUEST OF:
DATE: _____ TIME: _____ BOOK: _____ PAGE: _____
\$ _____ FEE
DEPUTY, SALT LAKE COUNTY RECORDER

5215 South State Street



5215 South State Street



**DECLARATION OF DISSOLUTION OF
THE POINTE @ 53RD OFFICE CONDOMINIUMS
AND REMOVAL OF ALL UNITS AND COMMON AREA FROM
THE UTAH CONDOMINIUM OWNERSHIP ACT**

This Declaration of Dissolution is executed by The Pointe @ 53rd, L.C., a Utah limited liability company (“The Pointe”), and L&K-403 Enterprises, LLC, a California limited liability company (“L&K,” and together with The Pointe, the “Declarants”) on the date hereinafter set forth as owners of all of the condominium units of The Pointe @ 53rd Office Condominiums.

RECITALS:

A. DECLARATION AND PLAT OF THE POINTE @ 53RD OFFICE CONDOMINIUMS. The condominium plat was recorded in the office of the Salt Lake County Recorder on January 31, 2025 as Entry No. 14341849, in Book 2025 at Page 026 (the “53rd Condominium Plat”). In connection with the recording of The Pointe @ 53rd Amended Subdivision Final Plat, the instrument styled “Declaration of Condominium (Including Owner Association Bylaws) of The Pointe @ 53rd Office Condominiums” was recorded on January 31, 2025, as Entry No. 14341850, in Book 11547, at Pages 7568 - 7621. (Said documents are hereinafter referred to collectively as the “Plat and Declaration”).

B. CREATION OF A CONDOMINIUM PROJECT. The recording of the Plat and Declaration purported to create a condominium project under the Utah Condominium Ownership Act (Title 57, Chapter 8, Utah Code annotated 1953, as amended), hereinafter the “Act” called “The Pointe @ 53rd Office Condominiums.” Said condominium units were then and are now located on the property more particularly described as follows (the “Property”):

A part of the Southwest Quarter of Section 7, Township 2 South, Range 1 East, Salt Lake Base and Meridian (Basis of Bearing: N0°04'38"E 3056.21 feet along the monument line between two Salt Lake County monuments located in State Street at 5300 South and Vine Street), located in Murray City, Salt Lake County, Utah, being more particularly described as follows:

Beginning at the Southeast Corner of Lot 1B, of The Pointe @ 53rd Amended, on file in the Salt Lake County Recorders office as Entry No. 14158789, recorded on October, 2, 2023. Said point also being located N0°04'38"E 516.25 feet along the monument line, and S89°55'22"E 368.66 feet from the Salt Lake County monument located at State Street and 5300 South, said point also being located S89°59'23"E 896.04 feet, and S0°04'38"W 1066.35 feet, and S89°55'22"E 302.66 feet from the West Quarter Corner of Section 7, Township 2 South, Range 1 West, Salt Lake Base and Meridian; thence along said Lot 1B the following four (4) courses: 1) North 125.84 feet; 2) thence East 101.50 feet; 3) thence South 125.84 feet; 4) thence West 101.50 feet to the point of beginning.

Contains: 0.29 Acres +/-
16 units

C. REMOVAL OF ALL UNITS (1-16) AND ALL COMMON AREA FROM THE UTAH CONDOMINIUM ACT. Units 1 through 16 and all of the Common Area, as established by the Plat and Declaration (the “Removed Property”), are hereby intended to be removed from the Utah Condominium Act, to the extent of its applicability. There will be no remaining Units or Common Area located on the Property that will remain subject to the Utah Condominium Act.

D. OWNERSHIP OF CONDOMINIUM UNITS AND COMMON AREA. The undersigned Declarants represent all of the owners of the Units and of the associated Common Area in The Pointe @ 53rd Office Condominiums project as described in the above paragraphs.

E. INTENTION OF DECLARANTS. The Declarants now desire to remove the Removed Property described above from the provisions of the Act.

F. MORTGAGE INTEREST. RGA Reinsurance Company, a Missouri corporation (the “Mortgage Interest Holder”) has a mortgage interest encumbering Units 101 through 104, Units 201 through 204, Units 301 through 304, Units 401 through 404 and all Common Areas, more particularly set forth in (i) that certain Deed of Trust, Security Agreement and Fixture Filing dated as of October 9, 2025, recorded in the Salt Lake County Recorder’s Office on October 17, 2025, as Entry No. 14451144.

NOW, THEREFORE, the undersigned declare and certify as follows:

1. REMOVAL. The Removed Property, more particularly described above, subject to the Plat and Declaration set forth above, IS HEREBY REMOVED FROM THE PROVISIONS OF THE ACT pursuant to the removal provision of Section 57-8-22(1) of the Act. As provided for under 57-8-22(2) of the Act, upon removal of the Removed Property from the provisions of the Act, the Removed Property shall be owned in common by the unit owners. The undivided interest in the Removed Property owned in common which shall appertain to each unit owner shall be the percentage of undivided interest previously owned by such owner in the common areas and facilities, as follows:

<u>Owner</u>	<u>Undivided Interest</u>
The Pointe @ 53 rd , L.C.	50.0000%
L&K-403 Enterprises, LLC	50.0000%

2. CONSENT. The Mortgage Interest Holder consents to the terms of this Declaration by its signature below. No other Mortgage Interest Holder consents are necessary.

[Signatures pages follow]

IN WITNESS, WHEREOF, the undersigned have executed this Declaration of Dissolution as of the
____ day of _____, 2025.

**DECLARANTS, as UNIT OWNERS and MEMBERS OF THE POINTE @ 53RD OFFICE
CONDOMINIUMS ASSOCIATION:**

THE POINTE @ 53RD, L.C.

a Utah limited liability company

By Howland Partners, Inc.

Its Manager

By: _____

Name: _____

Title: _____

L&K-403 ENTERPRISES, LLC

a California limited liability company

By: _____

Name: _____

Title: _____

STATE OF _____

§

COUNTY OF _____

§

Before me, the undersigned authority, a Notary Public, on this day personally appeared _____, as _____ of _____, a _____ limited liability company, and acknowledged that he executed the foregoing instrument for said company.

Given under my hand and notarial seal this _____ day of _____, 2025.

Notary Public, State of _____

STATE OF _____

§

COUNTY OF _____

§

Before me, the undersigned authority, a Notary Public, on this day personally appeared _____, as _____ of _____, a _____ limited liability company, and acknowledged that he executed the foregoing instrument for said company.

Given under my hand and notarial seal this _____ day of _____, 2025.

Notary Public, State of _____

MORTGAGE INTEREST HOLDER:

RGA REINSURANCE COMPANY,
a Missouri corporation

By: _____

Name: _____

Title: _____

STATE OF _____)
: ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of
_____, 2025, by _____, the _____ of RGA
Reinsurance Company, a Missouri corporation, on behalf of said company.

NOTARY PUBLIC



AGENDA ITEM #08 – Miscellaneous Text Amendments

ITEM TYPE:	Text Amendment		
ADDRESS:	City Wide	MEETING DATE:	January 15 th , 2026
APPLICANT:	CED Staff	STAFF:	Ruth Ruach, Planner 1
PROJECT NUMBER:	#26-003		
REQUEST:	The request is to amend the land use ordinance to address Conditional Uses, Landscaping requirements, and Noticing requirements.		

I. STAFF REVIEW & ANALYSIS

Background

Planning Staff has been conducting research into ways of improving the Conditional Use Permit (CUP) application process. In this research, Staff identified the proposed changes that may help improve the CUP process by establishing Staff level approval of CUPs in certain instances and other miscellaneous changes to cleanup or clarify the Land Use ordinance. Planning Staff held a discussion with the Planning Commission on December 4th, 2025, to obtain feedback on these changes. The Planning Commission expressed interest in exploring more changes regarding Conditional Uses but gave positive feedback on the changes presented in the discussion. The proposed amendments are now being presented for formal consideration by the Planning Commission.

Review of Proposed Changes

Below is an overview of the proposed changes. For further review, the redlined text for each change is attached to this Staff Report.

1. 17.56.140: Reporting Requirement
 - a. Description: Remove section.
 - b. Reason: Compliance can be monitored through other means including annual business license review. Staff recommends that this requirement is no longer necessary.
 - c. Effect: No policy change. Aligns with current procedures to review at business licensing.
2. 17.32.080: Reporting Requirement
 - a. Description: Remove section.

- b. Reason: Compliance is monitored through other means including annual business license renewal. Staff recommends that this requirement no longer necessary.
 - c. Effect: No policy change. Aligns with current procedures to review at business licensing.
- 3. 17.56.110: Conditional Zones
 - a. Description: Remove section. Renumber sections that follow.
 - b. Reason: State and local law related to Conditional Uses has evolved over the years and the Zoning ordinance no longer includes conditional zones. Any conditionally approved zone changes are now administered through Development Agreements authorized by State law. This section is no longer necessary.
 - c. Effect: Aligns with City and State policies.
- 4. 17.68.030: General Provisions
 - a. Description: Require a formal landscaping plan for CUP applications in new buildings, and not in existing buildings.
 - b. Reason: Requiring a formal landscaping plan for applicants reusing existing buildings creates an unreasonable cost that does not help mitigate the potential impact(s) of a proposed Conditional Use.
 - c. Effect: No policy change. Aligns with current procedure.
- 5. 17.04.140: Notices (C.)
 - a. Description: Clarify language and explain process for posting signs for public notice of land use applications or public hearings.
 - b. Reason: Explore option of posting sign notices. State Code does not define a sign noticing process. But neighboring cities tend to both post sign notices (for legislative items) and mail notices.
 - c. Effect: Clarifies language and process for public notification.
- 6. 17.04.140: Notices (A.)
 - a. Description: Change text to include all land use applications which require public notice.
 - b. Reason: To include all land use applications which require public notice. CUPs do not require public notice unless a public meeting is required.
 - c. Effect: Clarifies language and process for public notification.
- 7. 17.56.030: Application (A.)
 - a. Description: Allow for staff review of certain Conditional Use requests by adding the following list of application types to the text:
 - 1. Conditional Use Permit Amendment for Minor Expansion: an amendment requesting a building or floor area expansion of less than five hundred (500) square feet if the expansion is less than twenty-five (25%) percent of existing square footage of the building.

2. Conditional Use Permit Relocation: A request to relocate the approved conditional use to an immediately adjacent or neighboring unit within the same development or commercial center.
3. Electronic Message Center (EMC) Signage: A request to place an EMC sign on a property that is not adjacent to a residential zone, in accordance with Section 17.48.280
 - b. Reason: To allow staff approval of minor applications that should not warrant a public meeting/Planning Commission approval.
 - c. Effect: Establishes Staff approval of CUPs and streamlines the application processes.

II. DEPARTMENT REVIEWS

The proposed amendments were provided to each department for their review on December 30th, 2025, with responding departments having no comments or concerns.

III. PUBLIC INPUT

Notices were sent to Affected Entities and posted on City and State Public Meeting website for these amendments. As of the date of this report, no comments have been received.

IV. FINDINGS

Based on the analysis of the proposed amendment and review of the Murray City General Plan, staff concludes the following:

1. The proposed text amendments are in harmony with the standards of the Murray City Land Use Ordinance.
2. The proposed text amendments do not conflict with any recommendation in the General Plan.
3. Regular updates to the Land Use Ordinance leads to a consistent application of the ordinance and a better ability to serve the community.
4. The proposed text amendments will streamline certain review processes and allow the city to be more efficient when working with residents and businesses.

V. CONCLUSION/RECOMMENDATION

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to the City Council for the proposed amendments to Chapters 17.56 Conditional Uses and Zones, 17.32 Residential Facilities for Elderly Persons, 17.68 Landscaping Requirements, and 17.04 General Provisions, as reviewed in the Staff Report.

- b. Reason: Compliance is monitored through other means including annual business license renewal. Staff recommends that this requirement no longer necessary.
 - c. Effect: No policy change. Aligns with current procedures to review at business licensing.
- 3. 17.56.110: Conditional Zones
 - a. Description: Remove section. Renumber sections that follow.
 - b. Reason: State and local law related to Conditional Uses has evolved over the years and the Zoning ordinance no longer includes conditional zones. Any conditionally approved zone changes are now administered through Development Agreements authorized by State law. This section is no longer necessary.
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 - a. Description: Require a formal landscaping plan for CUP applications in new buildings, and not in existing buildings.
 - b. Reason: Requiring a formal landscaping plan for applicants reusing existing buildings creates an unreasonable cost that does not help mitigate the potential impact(s) of a proposed Conditional Use.
 - c. Effect: No policy change. Aligns with current procedure.
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 - a. Description: Clarify language and explain process for posting signs for public notice of land use applications or public hearings.
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1. The proposed text amendments are in harmony with the standards of the Murray City Land Use Ordinance.
2. The proposed text amendments do not conflict with any recommendation in the General Plan.
3. Regular updates to the Land Use Ordinance leads to a consistent application of the ordinance and a better ability to serve the community.
4. The proposed text amendments will streamline certain review processes and allow the city to be more efficient when working with residents and businesses.

V. CONCLUSION/RECOMMENDATION

Based on the background, analysis, and the findings within this report, Staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to the City Council for the proposed amendments to Chapters 17.56 Conditional Uses and Zones, 17.32 Residential Facilities for Elderly Persons, 17.68 Landscaping Requirements, and 17.04 General Provisions, as reviewed in the Staff Report.

REDLINE TEXT

Blue Text: Proposed additions
Red Strikethrough: Proposed deletions

CHAPTER 17.56 CONDITIONAL USES AND ZONES

SECTION:

17.56.010: Purpose Of Conditional Use Provisions

17.56.020: Permit Required

17.56.030: Application

17.56.040: Fee

17.56.050: Public Hearing

17.56.060: Determination

17.56.070: Appeals Of Decisions

17.56.080: Inspection

17.56.090: Revocation

17.56.100: Time Limit

17.56.110: Conditional Zones

17.56.120: Reapplication After Denial

17.56.130: Continuing Effect

17.56.140: Reporting Requirements

17.56.010: PURPOSE OF CONDITIONAL USE PROVISIONS:

Certain uses which may be harmonious under special conditions and in specific locations within a district, but may be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits for approval as authorized by the planning commission. (Ord. 07-30 § 2)

17.56.020: PERMIT REQUIRED:

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this title. A conditional use permit may be revoked upon failure of the original applicant or any successor, owner, or occupant to comply with conditions precedent to the original approval of the permit. (Ord. 07-30 § 2)

17.56.030: APPLICATION:

A. A conditional use permit application shall be made to the community development department as provided in this title. The completed application shall be submitted to the planning commission at one of their regularly scheduled meetings. The planning commission may authorize the Community and Economic Development Director or designee ~~members of the community development department~~ to grant or deny the following list of conditional use permits and related requests, subject to such limitations or qualifications as are deemed necessary:-

1. Conditional Use Permit Amendment for Minor Expansion: an amendment requesting a building or floor area expansion of less than five hundred (500) square feet if the expansion is less than twenty five (25%) percent of existing square footage of the building
2. Conditional Use Permit Relocation: A request to relocate the approved conditional use to an immediately adjacent or neighboring unit within the same development or commercial center
3. Electronic Message Center (EMC) Signage: A request to place an EMC sign on a property that is not adjacent to a residential zone, in accordance with Section 17.48.280

A.B. Applications for a conditional use permit shall be accompanied by the names and addresses of persons entitled to notice, maps, drawings, statements, reports, studies or other documents, as required by the planning commission and planning staff. (Ord. 07-30 § 2)

17.56.040: FEE:

The application for any conditional use permit shall be accompanied by an appropriate fee. (Ord. 07-30 § 2)

17.56.050: PUBLIC HEARING:

No public hearing need be held, however, a public hearing may be held when the planning commission shall deem such a hearing to be necessary in the public interest. The planning commission shall schedule and hold a hearing at the nearest available planning commission meeting date upon submission of a properly completed and filed application form. (Ord. 07-30 § 2)

17.56.060: DETERMINATION:

The planning commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use, the planning commission shall impose such requirements

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and conditions as are necessary for the protection of adjacent properties and the public welfare. The planning commission shall not authorize a conditional use permit unless the evidence establishes:

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community and the neighborhood;
- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

C. That the proposed use will stress quality development with emphasis toward adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single-family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets;

D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.

The planning commission may impose conditions on the issuance of a conditional use permit including, but not limited to, limitations on the size or shape of buildings; dedication, relocation, and/or development of streets; installation and up sizing of utility mains, screening or landscaping to protect adjacent properties; the elimination or relocation of windows or doors to protect the public and adjacent property from the detrimental features of the proposed use; or the requirement of additional parking, or other changes not inconsistent with this subsection. (Ord. 07-30 § 2)

17.56.070: APPEALS OF DECISIONS:

Any person for which any application for approval of a conditional use permit has been filed or any person who may be affected by the proposed use shall have the right to appeal the decision of the planning and zoning commission to the appeal authority. An appeal must be presented in writing within thirty (30) days after the date of decision of the planning and zoning commission. (Ord. 14-10: Ord. 07-30 § 2)

17.56.080: INSPECTION:

Following the issuance of a conditional use permit, the planning office shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission. Representatives of the code enforcement/community development division shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued by the building inspection division and before an application for permanent or temporary power for the property may be approved by the city power department. (Ord. 22-33: Ord. 07-30 § 2)

17.56.090: REVOCATION:

A. Written Complaint: Upon receiving a written complaint alleging a violation or failure to comply with any condition prescribed in a conditional use permit, the code enforcement/community development division shall investigate the complaint. If the

complaint has merit, and attempts to remedy the complaint fail, the community development division may place the complaint on the agenda of the regular meeting of the planning commission, provided, that the permittee shall have at least fourteen (14) days' notice of the meeting.

B. Hearing Procedure: Permittee shall be given written notice of the exact nature of the complaint and the date and time of the hearing before the planning commission. The hearing shall be held in accordance with customary administrative hearings procedures.

C. Action; Complaint Dismissal: The planning commission, after hearing the evidence presented regarding the complaint, may continue the hearing from time to time, modify or rescind any condition or requirement of the conditional use permit as it deems necessary, revoke the conditional use permit, or take no action and dismiss the complaint.

D. Relief From Order: Any permittee aggrieved by an order entered by the planning commission pursuant to this section may maintain an action for relief therefrom in any court of competent jurisdiction. Action for relief must be filed with the court within thirty (30) days after the order from which relief is sought is made.

E. Notices: All notices required herein shall be provided by personal service or by certified mail.

F. Effective Date And Scope: This section shall apply to all conditional use permits issued after the effective date hereof, regardless of change in ownership or occupancy. (Ord. 22-33: Ord. 07-30 § 2)

17.56.100: TIME LIMIT:

A. A temporary conditional use permit may be issued by the planning commission for a period of six (6) months. This permit may be renewed by the planning staff for a total of three (3) successive six (6) month time periods, allowing a total of two (2) years for the temporary conditional use permit. Where hardship or unusual circumstances exist, the planning commission may extend the temporary permit for one additional year. These extensions shall be granted in two (2) separate six (6) month increments. A temporary conditional use permit shall not be issued for a use which is not incidental to or directly related to an intended permanent use on the property.

Mobile offices, homes or trailers which are used for business purposes shall only be allowed for a six (6) month time period as authorized by the planning commission. The planning commission may extend the time period for the temporary structure up to one additional year providing that plans for a permanent structure have received commission approval.

Temporary structures shall be removed from the property upon occupancy of the permanent structure. Premanufactured structures which meet all building code regulations and construction trailers shall be exempt from this regulation.

B. A temporary conditional use occupancy permit shall not be issued nor shall the building structure or other facility be occupied until all water, sewer, and electrical permits have been issued and all appropriate inspections performed.

C. Unless there is substantial action under a conditional use permit within a maximum period of two (2) years of its issuance, the conditional use permit shall expire. The planning commission may grant a yearly extension, when deemed in the public interest. (Ord. 22-33: Ord. 07-30 § 2)

17.56.110: CONDITIONAL ZONES:

~~Upon the recommendation of the planning and zoning commission and after the public hearing, the city may establish conditional zones within existing zoning districts where it is shown that it is in the best interests and general welfare of the community. The planning commission may establish and impose such conditions and requirements that are in keeping with the best interest and general welfare of the community. (Ord. 22-33: Ord. 07-30 § 2)~~

17.56.1120: REAPPLICATION AFTER DENIAL:

Denial of an application for a conditional use permit regarding any parcel of property shall prohibit the filing of another application for a conditional use permit for the same parcel of property or any portion thereof, within one year of the date of the final denial of the previous application unless the planning commission finds that there has been a substantial change in the circumstances or sufficient new evidence as submitted by the applicant in writing since the denial of the previous application to merit consideration of a second application within the one year time period. (Ord. 22-33: Ord. 07-30 § 2)

17.56.1130: CONTINUING EFFECT:

A conditional use permit, once approved, affects real property regardless of change in ownership and all subsequent owners are subject to those conditions so long as that conditional use is being conducted on the property. The conditional use may be conducted either intermittently or continuously, provided, however, that if the conditional use becomes a legal nonconforming use due to a later amendment to this title, the provisions of chapter 17.52 of this title relating to nonconforming buildings and uses shall apply. (Ord. 22-33: Ord. 07-30 § 2)

17.56.140: REPORTING REQUIREMENTS:

~~Before February 1 of every year, the owner or occupant of a property which has been approved for the following land use under a conditional use permit shall provide written~~

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~~evidence to the community development division that the property use complies with this title:~~

~~1210.1 Supervised youth group home. (Ord. 22-33: Ord. 07-30 § 2)~~

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Blue Text: Proposed additions
Red and Strikethrough: Proposed deletions

CHAPTER 17.68 LANDSCAPE REQUIREMENTS

SECTION:

17.68.010: Purpose

17.68.020: Applicability

17.68.030: General Provisions

17.68.040: Landscaping Requirements

17.68.050: Provision For Street Trees

17.68.060: Single Family Residential Landscaping Requirements

17.68.010: PURPOSE:

The objective of this chapter is to improve the appearance of setback and yard areas, including off street vehicular parking and open lot sales and service areas in the city and to protect and preserve the appearance, character, and value of the surrounding neighborhoods and thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities. (Ord. 07-30 § 2)

17.68.020: APPLICABILITY:

This chapter applies to all land uses and zone districts in the city unless specifically exempted. (Ord. 13-03)

17.68.030: GENERAL PROVISIONS:

A. Installation Of Landscape And Related Improvements; Landscape and related improvements required by this chapter shall be installed if:

1. A conditional use permit is required; or
2. A site plan review is required; or
3. The cost of construction or remodeling exceeds fifty percent (50%) of the market value of the structure.

a. Market value of a structure shall be determined according to the most recent county property tax rolls, or at the applicant's option and sole expense, by an appraisal from a state certified general appraiser, as defined in Utah Code Annotated title 61, chapter 2g.

b. Façade Exemption: For facade improvements or remodeling that involves exterior changes only, the requirement for installation of landscaping and related improvements does not apply.

B. Landscape Plan Required; Exemptions:

1. Conditional Use Permit And/Or Site Plan Review [in a New Structure](#): In association with a conditional use application and/or site plan review, the applicant shall submit a formal landscape plan (per phase if the project is multiphased) as indicated on the appropriate application. The plans must be submitted with the site plan, and must include or show:

a. The project name, exact street address, by whom the plan was prepared, the name and phone number of a contact person (architect, landscape architect, builder, etc.), and the date of the plan;

b. "North" direction indicator, the scale of the drawing, all existing and proposed building outlines, sidewalks, curbs, mow strips, driveways, parking areas, fences, utility power poles, and property lines, with adjacent streets accurately named;

c. Specific locations of existing and proposed evergreen trees, including all existing evergreen trees which are scheduled for removal;

d. Specific locations of existing and proposed shade, ornamental, and/or fruit trees, including all existing trees of these types which are scheduled for removal;

e. All areas to be planted in shrubs;

f. All areas to be planted as flowerbeds and/or with living ground cover plants;

g. All areas to be planted in sod, with any berthing to also be indicated;

h. All areas to be treated with nonliving landscape materials (paving, boulders, cobblestones, bark, etc.).

2. Building Permit Application: In association with a building permit application, the applicant shall submit a formal landscape plan prepared and sealed by a Utah registered landscape architect (per phase if the project is multiphased) for review and approval by community and economic development division staff. Plans for office conversions or new buildings of four thousand (4,000) square feet or less do not require a signature by a registered landscape architect. The formal landscape plan must include or show:

a. Complete identification of the project name, exact street address, the name and phone number of the architect, landscape architect, or other contact person, and a date the plan was prepared;

b. "North" direction indicator, the scale of the drawing, all existing and proposed buildings, walls, sidewalks, curbs, mow strips, driveways, and property lines, with adjacent streets accurately named;

- c. All nonconcrete retaining walls or bumper strips associated with landscaping, including the type and dimensions of materials to be used;
- d. The location of each existing and proposed tree and each shrub clearly identified, with indication by name or code of what species of plant each location represents. Shrub plantings must also indicate the spacing at which the plant will be initially installed;
- e. All areas to be planted in sod. Berms are permitted in lawn areas but shall not exceed thirty six inches (36") in height including vegetation;
- f. All flowerbed/living ground cover areas, with perennial plant species that are to be used indicated by name or code. Perennial ground cover plantings must also indicate the spacing at which the plants will be initially installed;
- g. The locations of boulders, bark, wood chips, or any other nonliving ornamental ground covers, with a designation of the number (boulders), sizes, and depth of cover (bark, etc.), and indication of the underlying layer of a landscape fabric that allows maximum air and water penetration while providing a weed control barrier;
- h. A summary table (planting index or plant materials schedule), listing botanical and common species names, associated coding (if used), quantity of each species, sizes of plants intended to be used (height and caliper for broad leaf trees, height for evergreen trees, spread for shrubs), and size/type of root ball or container as well as the percentage of landscaping for the site and interior lots at the time of planting and at maturity;
- i. The percentage of landscape proposed for the site and interior lot(s);
- j. A copy of an automatic sprinkler system design layout, showing location and type of heads (impact, rotor, spray, drip emitter, spaghetti tubing, bubbler, etc.), location and diameter of lines, pipe schedules to be used, location of water source(s) to be used, and location of electric timer unit(s).

3. Exemptions: A landscape plan is not required to be submitted in association with the following city approvals:

- a. A building permit for interior remodeling which does not involve a change of use from residential to nonresidential or a change of use from a single-family dwelling to either a two-family dwelling or a multi-family dwelling.
- b. A permit for the following activities: reroofing, siding, temporary electrical power, change of electrical service, change of furnace, mobile home setup, addition of interior plumbing, addition of interior electrical, fencing, on premises sign, and off premises sign.
- c. A license to encroach upon public utility easement.
- d. A development project where the existing vegetation to be retained meets or exceeds the requirements of this chapter.
- e. A development project where the existing vegetation to be retained meets or exceeds the requirements of this chapter.

C. Formal Landscape Plan: Any formal landscape plan which has been approved by the city must be strictly adhered to. Any proposed alterations in the approved plan, due to problems of species availability, plant size availability, or other circumstances, must be reviewed and approved by community and economic development division staff prior to implementation. Approved alterations must be shown on a revised copy of the formal landscape plan which must be received by the city before a final inspection of the project will be performed.

D. Improvements: When an area is required to be landscaped under the terms of this chapter, the requirement shall be met by the installation and maintenance of improvements as set forth below:

1. The installation of a permanent irrigation system as approved by the city, to ensure adequate coverage (80 percent efficient) of water to the landscape plants.
2. Plant materials shall be selected from those species and varieties known to thrive in the Murray City area and shall adhere to the landscape design approved by the city.
3. Water conserving landscape designs shall be used. All landscaping must be irrigated and planted with substantial live plant material and/or appropriate xeriscaping for the purpose of buffering, screening and beautifying the site, and shall comply with applicable landscape requirements found in this chapter.
4. Evergreen trees are prohibited except in areas at least twenty five feet (25') wide. Other types of trees shall have a minimum caliper (measured at 12 inches above the soil surface of the plant's root ball) of two inches (2") and shall not require a support stake to remain upright. If the trees are container grown, the container shall be a minimum volume of twenty (20) gallons, but more importantly shall be appropriate to the size of tree to have avoided the plant being root bound. Shrubs shall be a mix of one gallon and five (5) gallon containers, and shall be spaced as designated on the approved landscape plan. All plant materials used shall be in a healthy condition at the time of installation, free from mechanical injuries, insects, or disease. Wire or nonbiodegradable root ball containers around root balls shall be removed prior to backfilling planting holes on all plants supplied with such containers.
5. Required landscaping must be properly maintained and watered by an adequate irrigation system which includes backflow prevention, a rain shutoff device and identification of all irrigation equipment and be approved by community and economic development division staff. Landscape planters within parking areas shall be irrigated with drip emitter or bubbler type irrigation systems only. (Ord. 25-29 § 2: Ord. 15-20: Ord. 14-01: Ord. 13-03)

17.68.040: LANDSCAPING REQUIREMENTS:

The following standards apply to all commercial, industrial, mixed-use and multifamily developments.

A. Perimeter:**1. Front Setback Areas:**

- a. Landscaping in these areas shall consist of three (3) trees, and five (5) 5-gallon and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage. The trees and shrubs shall either be clustered or spread out at regular intervals. The remaining area shall be planted with living ground cover in order for the front setback area to meet a minimum fifty percent (50%) of landscape bed coverage at maturity. Landscaping shall consist of a water efficient design with watering zones having plants and similar water needs. All unpaved areas not utilized for parking or access shall be landscaped in a similar manner,
- b. The entire area between the curb and the building or parking setback line shall be landscaped and irrigated, except for any access driveway in said area,
- c. In no case shall the front landscaped area be less than ten feet (10') behind the back side of sidewalk or street right of way line, except in the TOD, CC-FBC, MCMU, CMU, and VMU districts,
- d. All commercial, manufacturing and multi-family residential development fronting public or private streets shall plant trees in conformance with species and spacing specified in the applicable streetscape plan,
- e. Where a park strip is provided, the park strip shall be planted with low growth which may include ground cover and shrubs not exceeding three feet (3') in height, and/or high branching trees (branching shall begin not less than 6 feet above the soil surface). Park strip areas shall also meet the minimum landscape bed coverage of fifty percent (50%) at time of maturity.
- f. Ground cover is required to provide fifty percent (50%) bed coverage at time of maturity. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation, but does not include turf grass/lawn or trees. Evergreen trees may be counted as ground cover if branches reach the ground.

2. Abutting Properties: Where multi-family residential, commercial or manufacturing uses abut legal conforming single-family residential or where commercial or manufacturing abut legal conforming multi-family residential uses, a masonry wall, measuring six feet (6') high plus a minimum ten foot (10') wide landscaped buffer consisting of trees and water efficient plant material as required by this section shall be placed between the property line and any paved area.

B. Interior:

1. **Nonparking Areas:** All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass.
2. **Parking Areas:** For parking lots with fifty (50) or more parking stalls, the following standards apply:

a. Distance To Landscape Area: All parking spaces shall be within seventy five feet (75') of a landscape area. Parking islands may be used to meet this standard.

b. Parking Islands:

(1) Parking islands shall be a minimum of one hundred sixty two (162) square feet in area, not including the curbing required by subsection C of this section.

(2) Parking islands shall be at least nine feet (9') wide including the curbing required by subsection C of this section.

(3) One tree and four (4) shrubs shall be required for each parking island installed.

c. Ground Cover Required: Ground cover is required to have fifty percent (50%) coverage at time of maturity. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation but does not include trees. Evergreen trees may be counted as ground cover if branches reach the ground.

d. Trees; Required Size: Trees required for installation within interior parking areas shall be no less than two inch (2") caliper size at time of planting.

e. Trees; Location: Trees planted within interior landscape areas shall be located at least three feet (3') away from curb.

f. Shrubs; Size: Shrubs shall be no less in size than what is customarily accommodated within a one gallon size container, in accordance with industry standards.

C. Lawn Restrictions:

1. Turf grass/lawn shall not be installed in locations that are smaller than eight feet (8') in width.

2. Turf grass/lawn shall not be installed in park strips, paths or on slopes greater than 25% or a 4:1 grade.

3. Turf grass/lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

D. Concrete Curbing:

1. Where required landscaping is located by driveways, parking areas, aisle space, docking areas or other similar usage in multiple-family, commercial and manufacturing districts, the landscaping must be enclosed by a six inch (6") poured concrete curb wall;

E. Accommodation Of Bus Benches And Shelters:

1. A bus bench or shelter may be placed in the landscape setback area required by this chapter if:

- a. The bench or shelter does not violate the sight distance restrictions applicable to fences and similar structures applicable to the same property under chapter 17.64 of this title;
- b. The remaining area of the landscape area complies with this chapter, such as the concrete curbing, planting and irrigation requirements, and
- c. The proposed bench or shelter meets any other conditions the community development director deems appropriate;

2. This subsection D does not require a property owner or occupant to allow placement of a bench or shelter in the landscape setback;
3. This subsection D does not grant or confer upon any person any right to place a bus bench or shelter without permission of the property owner or occupant;
4. If the bench or shelter is permanently removed from a landscape setback area, the landscaping and related concrete curbing and irrigation shall be installed or restored as required by this chapter. (Ord. 25-29 § 2: Ord. 25-20 § 4: Ord. 14-01: Ord. 13-03)

17.68.050: PROVISION FOR STREET TREES:

Following approval of a proposed residential subdivision, the developer or applicant shall post a cash bond or letter of credit sufficient to cover the costs of acquiring and planting street trees in said subdivision. The amount of the security shall be determined by the city and shall be based upon a cost estimate provided by the developer and verified by the city based upon the then prevailing market price of quality tree stock and an estimate of the appropriate number of trees needed for said subdivision. The city will complete the planting of said trees and draw upon the security for payment thereof. (Ord. 13-03)

17.68.060: SINGLE FAMILY RESIDENTIAL LANDSCAPING REQUIREMENTS:

Turf grass/lawn shall not be installed in locations that are smaller than eight feet (8') in width at its narrowest point.

- A. Turf grass/lawn shall not be installed in:
 1. park strips, or
 2. paths, or
 3. on slopes greater than 25% or 4:1 grade.
- B. Turf grass/lawn shall not exceed 35% of the total landscaped area in the front and side yards of new residential construction.
 1. Small residential lots, which have no back yards, which the total landscaped area is less than 250 square feet, and which the front yard dimensions cannot accommodate the

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minimum eight feet (8') wide lawn area requirements, are exempt from the eight feet (8') minimum width lawn requirement and maximum of 35% lawn requirement.

C. Whenever a residential dwelling is constructed, landscaping shall be installed in the front yard within one year from the date of the occupancy of the building. Landscaped areas shall consist of an effective combination of materials which may include trees, ground cover, shrubbery and xeriscape. All unpaved areas not utilized for access or parking shall be landscaped in a similar manner. All landscaping shall be maintained in a neat and orderly fashion. (Ord. 25-29 § 2: Ord. 07-30 § 2)

REDLINE TEXT

Blue Text: Proposed additions
Red and Strikethrough: Proposed deletions

TITLE 17 ZONING

CHAPTER 17.04 GENERAL PROVISIONS

SECTION:

17.04.010: Short Title

17.04.020: Purpose

17.04.030: Interpretation

17.04.040: Intent

17.04.050: Conflicting Provisions

17.04.060: Affect On Previous Ordinances And Maps

17.04.070: Licenses, Permits And Contracts To Conform

17.04.080: Building Permit Required

17.04.090: Permits To Comply With Zoning Rules

17.04.100: Building Permits; Site Plan Required

17.04.110: Construction And Use To Conform With Approved Plans

17.04.120: Penalties

17.04.130: Fees

17.04.140: Notices

17.04.150: Adequate And Available Public Utilities Required

17.04.140: NOTICES:

A. Unless specifically provided otherwise, third party notices required or allowed by this title to be mailed to surrounding property owners regarding rezoning requests and requests of other topics that require public hearings or public meetings ~~conditional use requests~~, shall be sent to all property owners of record within the following distances as applicable:

Rezoning

Mailing Distance

Less than 2 acres

300 feet

2 to 5 acres

400 feet

More than 5 acres

500 feet

Public Hearing or

Public Meeting

~~Conditional Use~~

Mailing Distance

Less than 2 acres:

2 stories or less

300 feet

3 to 6 stories

450 feet

Above 6 stories

500 feet

2 to 5 acres:

2 stories or less

400 feet

3 to 6 stories

450 feet

Above 6 stories

500 feet

More than 5 acres:

2 stories or less

400 feet

3 to 6 stories

500 feet

Above 6 stories

600 feet

or as deemed appropriate by the planning staff for special/unique situations, but in no case shall notification be less than three hundred feet (300').

B. Required notices shall be mailed first class, postage prepaid.

C. The Community and Economic Development department ~~applicant/agent~~ shall be responsible to post notification signage on properties where a site-specific application ~~that requires a public hearing is submitted, request for a zone change~~ or conditional use permit is proposed. The sign(s) shall be provided ~~to the applicant/agent~~ by the City. The sign(s) and shall be posted by the City ~~applicant/agent~~ in advance of the scheduled meeting date. (Ord. 07-30 § 2)

Blue Text: Proposed additions
Red and Strikethrough: Proposed deletions

CHAPTER 17.32 RESIDENTIAL FACILITY FOR ELDERLY PERSONS

SECTION:

17.32.010: Definition

17.32.020: Residential Facilities For Elderly Persons; Permitted Use

17.32.030: Residential Facilities For Elderly Persons; Conditional Use

17.32.040: Standards For Residential Facilities For Elderly Persons In A Multi-Family Residential Zone

17.32.050: Standards For Residential Facilities For Elderly Persons In A Single-Family Residential Zone

17.32.060: Cessation Or Revocation Of Use

17.32.070: Discrimination Prohibited

17.32.080: Reporting Requirements

17.32.010: DEFINITION:

ELDERLY RESIDENTIAL FACILITY: A residential dwelling which is owned by one of the residents or by an immediate family member of one of the residents, or for which title has been placed in trust for the benefit of one of the residents; and which is occupied on a twenty four (24) hour basis by up to eight (8) adult persons in a family type arrangement. An "elderly person" means a person over the age of sixty (60). Elderly residential facility does not include a healthcare facility as defined by this title or in section 26-21-2 Utah Code Annotated (1953) or its successor statute. (Ord. 07-30 § 2)

17.32.020: RESIDENTIAL FACILITIES FOR ELDERLY PERSONS; PERMITTED USE:

A residential facility for elderly persons is a permitted use in any multi-family residential zone district and shall be approved if the facility meets the requirements of this chapter. (Ord. 07-30 § 2)

17.32.030: RESIDENTIAL FACILITIES FOR ELDERLY PERSONS; CONDITIONAL USE:

A residential facility for elderly persons is a conditional use in all single-family residential dwelling zone districts. The facility shall meet the requirements of this chapter, together with the conditions which the planning commission may impose pursuant to title 10, chapter 9, part 5 of the Utah Code Annotated (1953). (Ord. 07-30 § 2)

17.32.040: STANDARDS FOR RESIDENTIAL FACILITIES FOR ELDERLY PERSONS IN A MULTI-FAMILY RESIDENTIAL ZONE:

An elderly residential facility in a multi-family residential zone is subject to the following requirements and all other provisions of this chapter:

- A. The dwelling must meet all applicable building, safety, zoning, and health ordinances or regulations which apply to similar dwellings.
- B. Off street parking must provide a minimum of two (2) spaces, plus one-half (1/2) space per occupant.
- C. Structural or landscaping alterations to an existing dwelling which would change the residential character and appearance of the property are not allowed. New dwellings shall be compatible in general appearance and design with dwellings in the surrounding neighborhood and must be approved as part of the site plan or conditional use application process.
- D. Persons being treated for alcoholism or drug abuse may not be placed in a facility permitted under this chapter.
- E. Placement in a facility permitted under this chapter shall be on a strictly voluntary basis and shall not be a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional or rehabilitation facility.
- F. Facilities permitted under this chapter must meet all applicable state licensing regulations, and failure to meet these regulations shall be a violation of this chapter.
- G. An elderly residential facility may not be located within two thousand feet (2,000') of another elderly residential facility, which distance shall be measured in a straight line from property line to property line. (Ord. 07-30 § 2)

17.32.050: STANDARDS FOR RESIDENTIAL FACILITIES FOR ELDERLY PERSONS IN A SINGLE-FAMILY RESIDENTIAL ZONE:

- A. An elderly residential facility in a single-family residential zone is subject to the following requirements and all other provisions of this chapter:
 1. The dwelling must meet all applicable building, safety, zoning, and health ordinances or regulations which apply to similar dwellings.
 2. Off street parking must provide a minimum of two (2) spaces, plus one-half (1/2) space per occupant.
 3. Structural or landscaping alterations to an existing dwelling which would change the residential character and appearance of the property are not allowed. New dwellings shall be compatible in general appearance and design with single-family dwellings in the

surrounding neighborhood and must be approved as part of the site plan or conditional use application process.

4. Persons being treated for alcoholism or drug abuse may not be placed in a facility permitted under this chapter.
5. Placement in a facility permitted under this chapter shall be on a strictly voluntary basis and shall not be a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional or rehabilitation facility.
6. Facilities permitted under this chapter must meet all applicable state licensing regulations, and failure to meet these regulations shall be a violation of this chapter, and shall be grounds for denial or revocation of a conditional use permit.
7. An elderly residential facility may not be located within two thousand feet (2,000') of another elderly residential facility, which distance shall be measured in a straight line from property line to property line.
8. An elderly residential facility must have a ratio of not less than one full bath, or its equivalent, for every three (3) occupants. For purposes of this section, a "full bath" means a lavatory, water closet, and either a bathtub or shower.
9. Bedrooms in an elderly residential facility must have, exclusive of closet space, a minimum of one hundred (100) square feet of bedroom space per single resident room, and eighty (80) square feet for each resident in a multiresident room.

B. If an elderly residential facility which is subject to conditional use permit approval meets all of the requirements of this chapter, and if the applicant agrees to meet any additional conditions which are imposed by the planning commission pursuant to section 17.32.030 of this chapter, the conditional use permit shall be approved. (Ord. 07-30 § 2)

17.32.060: CESSATION OR REVOCATION OF USE:

The use permitted or granted under this chapter is nontransferable and shall terminate if the use is abandoned, as provided in chapter 17.52 of this title; the use permit may be revoked for a violation of its terms or the provisions of this chapter. (Ord. 07-30 § 2)

17.32.070: DISCRIMINATION PROHIBITED:

Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. All decisions regarding an application for a residential facility for elderly persons must be based on legitimate land use criteria and an application may not be denied based on the age of the facility's residents. (Ord. 07-30 § 2)

17.32.080: REPORTING REQUIREMENTS:

REDLINE TEXT

~~Before February 1 of every year, the owner of a residential facility for elderly persons in a single family residential zone which has been approved for use as an elderly residential facility under this chapter shall provide written evidence to the satisfaction of the city's community development division that the property use complies with this title. (Ord. 07-30 § 2)~~



NOTICE OF PUBLIC HEARING

January 15th, 2026, 6:30 PM

The Murray City Planning Commission will hold a public hearing in the Murray City Municipal Council Chambers, located at 10 East 4800 South, Murray, UT to receive public comment on the following land use text amendments:

- **Amendment to Chapter 17.56: Conditional Uses and Zones, which cleans up sections of the chapter and implement staff approval of Conditional Uses in certain instances like relocations or expansions of conditional uses.**
- **Amendment to Chapter 17.32: Residential Facilities for Elderly Persons, which removes reporting requirements.**
- **Amendment to Section 17.04.140: Notices, which clarifies the process for public notification.**
- **Amendment to Chapter 17.68: Landscaping Requirements, which clarifies the application requirements pertaining to use or site changes.**

To make comments regarding these proposed changes, the public may speak at the meeting, call the Murray City Planning Division at (801) 270-2430, or email pc@murray.utah.gov.

The meeting will be streamed online, at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

EXISTING TEXT

17.04.140: NOTICES:

A. Unless specifically provided otherwise, third party notices required or allowed by this title to be mailed to surrounding property owners regarding rezoning and conditional use requests, shall be sent to all property owners of record within the following distances as applicable:

Rezoning

Mailing Distance

Less than 2 acres

300 feet

2 to 5 acres

400 feet

More than 5 acres

500 feet

Conditional Use

Mailing Distance

Less than 2 acres:

2 stories or less

300 feet

3 to 6 stories

450 feet

Above 6 stories

EXISTING TEXT

500 feet

2 to 5 acres:

2 stories or less

400 feet

3 to 6 stories

450 feet

Above 6 stories

500 feet

More than 5 acres:

2 stories or less

400 feet

3 to 6 stories

500 feet

Above 6 stories

600 feet

or as deemed appropriate by the planning staff for special/unique situations, but in no case shall notification be less than three hundred feet (300').

B. Required notices shall be mailed first class, postage prepaid.

C. The applicant/agent shall be responsible to post notification signage on properties where a request for a zone change or conditional use permit is proposed. The sign(s) shall be provided to the applicant/agent by the City and shall be posted by the applicant/agent in advance of the scheduled meeting date. (Ord. 07-30 § 2)

CHAPTER 17.32 RESIDENTIAL FACILITY FOR ELDERLY PERSONS

SECTION:

17.32.010: Definition

17.32.020: Residential Facilities For Elderly Persons; Permitted Use

EXISTING TEXT

17.32.030: Residential Facilities For Elderly Persons; Conditional Use

17.32.040: Standards For Residential Facilities For Elderly Persons In A Multi-Family Residential Zone

17.32.050: Standards For Residential Facilities For Elderly Persons In A Single-Family Residential Zone

17.32.060: Cessation Or Revocation Of Use

17.32.070: Discrimination Prohibited

17.32.080: Reporting Requirements

17.32.010: DEFINITION:

ELDERLY RESIDENTIAL FACILITY: A residential dwelling which is owned by one of the residents or by an immediate family member of one of the residents, or for which title has been placed in trust for the benefit of one of the residents; and which is occupied on a twenty four (24) hour basis by up to eight (8) adult persons in a family type arrangement. An "elderly person" means a person over the age of sixty (60). Elderly residential facility does not include a healthcare facility as defined by this title or in section 26-21-2 Utah Code Annotated (1953) or its successor statute. (Ord. 07-30 § 2)

17.32.020: RESIDENTIAL FACILITIES FOR ELDERLY PERSONS; PERMITTED USE:

A residential facility for elderly persons is a permitted use in any multi-family residential zone district and shall be approved if the facility meets the requirements of this chapter. (Ord. 07-30 § 2)

17.32.030: RESIDENTIAL FACILITIES FOR ELDERLY PERSONS; CONDITIONAL USE:

A residential facility for elderly persons is a conditional use in all single-family residential dwelling zone districts. The facility shall meet the requirements of this chapter, together with the conditions which the planning commission may impose pursuant to title 10, chapter 9, part 5 of the Utah Code Annotated (1953). (Ord. 07-30 § 2)

17.32.040: STANDARDS FOR RESIDENTIAL FACILITIES FOR ELDERLY PERSONS IN A MULTI-FAMILY RESIDENTIAL ZONE:

An elderly residential facility in a multi-family residential zone is subject to the following requirements and all other provisions of this chapter:

EXISTING TEXT

- A. The dwelling must meet all applicable building, safety, zoning, and health ordinances or regulations which apply to similar dwellings.
- B. Off street parking must provide a minimum of two (2) spaces, plus one-half (1/2) space per occupant.
- C. Structural or landscaping alterations to an existing dwelling which would change the residential character and appearance of the property are not allowed. New dwellings shall be compatible in general appearance and design with dwellings in the surrounding neighborhood and must be approved as part of the site plan or conditional use application process.
- D. Persons being treated for alcoholism or drug abuse may not be placed in a facility permitted under this chapter.
- E. Placement in a facility permitted under this chapter shall be on a strictly voluntary basis and shall not be a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional or rehabilitation facility.
- F. Facilities permitted under this chapter must meet all applicable state licensing regulations, and failure to meet these regulations shall be a violation of this chapter.
- G. An elderly residential facility may not be located within two thousand feet (2,000') of another elderly residential facility, which distance shall be measured in a straight line from property line to property line. (Ord. 07-30 § 2)

17.32.050: STANDARDS FOR RESIDENTIAL FACILITIES FOR ELDERLY PERSONS IN A SINGLE-FAMILY RESIDENTIAL ZONE:

- A. An elderly residential facility in a single-family residential zone is subject to the following requirements and all other provisions of this chapter:
 - 1. The dwelling must meet all applicable building, safety, zoning, and health ordinances or regulations which apply to similar dwellings.
 - 2. Off street parking must provide a minimum of two (2) spaces, plus one-half (1/2) space per occupant.
 - 3. Structural or landscaping alterations to an existing dwelling which would change the residential character and appearance of the property are not allowed. New dwellings shall be compatible in general appearance and design with single-family dwellings in the surrounding neighborhood and must be approved as part of the site plan or conditional use application process.
 - 4. Persons being treated for alcoholism or drug abuse may not be placed in a facility permitted under this chapter.

EXISTING TEXT

5. Placement in a facility permitted under this chapter shall be on a strictly voluntary basis and shall not be a part of, or in lieu of, confinement, rehabilitation or treatment in a correctional or rehabilitation facility.

6. Facilities permitted under this chapter must meet all applicable state licensing regulations, and failure to meet these regulations shall be a violation of this chapter, and shall be grounds for denial or revocation of a conditional use permit.

7. An elderly residential facility may not be located within two thousand feet (2,000') of another elderly residential facility, which distance shall be measured in a straight line from property line to property line.

8. An elderly residential facility must have a ratio of not less than one full bath, or its equivalent, for every three (3) occupants. For purposes of this section, a "full bath" means a lavatory, water closet, and either a bathtub or shower.

9. Bedrooms in an elderly residential facility must have, exclusive of closet space, a minimum of one hundred (100) square feet of bedroom space per single resident room, and eighty (80) square feet for each resident in a multiresident room.

B. If an elderly residential facility which is subject to conditional use permit approval meets all of the requirements of this chapter, and if the applicant agrees to meet any additional conditions which are imposed by the planning commission pursuant to section 17.32.030 of this chapter, the conditional use permit shall be approved. (Ord. 07-30 § 2)

17.32.060: CESSATION OR REVOCATION OF USE:

The use permitted or granted under this chapter is nontransferable and shall terminate if the use is abandoned, as provided in chapter 17.52 of this title; the use permit may be revoked for a violation of its terms or the provisions of this chapter. (Ord. 07-30 § 2)

17.32.070: DISCRIMINATION PROHIBITED:

Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. All decisions regarding an application for a residential facility for elderly persons must be based on legitimate land use criteria and an application may not be denied based on the age of the facility's residents. (Ord. 07-30 § 2)

17.32.080: REPORTING REQUIREMENTS:

Before February 1 of every year, the owner of a residential facility for elderly persons in a single-family residential zone which has been approved for use as an elderly residential facility under this chapter shall provide written evidence to the satisfaction of the city's community development division that the property use complies with this title. (Ord. 07-30 § 2)

EXISTING TEXT

CHAPTER 17.56 CONDITIONAL USES AND ZONES

SECTION:

17.56.010: Purpose Of Conditional Use Provisions

17.56.020: Permit Required

17.56.030: Application

17.56.040: Fee

17.56.050: Public Hearing

17.56.060: Determination

17.56.070: Appeals Of Decisions

17.56.080: Inspection

17.56.090: Revocation

17.56.100: Time Limit

17.56.110: Conditional Zones

17.56.120: Reapplication After Denial

17.56.130: Continuing Effect

17.56.140: Reporting Requirements

17.56.010: PURPOSE OF CONDITIONAL USE PROVISIONS:

Certain uses which may be harmonious under special conditions and in specific locations within a district, but may be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits for approval as authorized by the planning commission. (Ord. 07-30 § 2)

17.56.020: PERMIT REQUIRED:

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this title. A conditional use permit may be revoked upon failure of the original applicant or any successor, owner, or occupant to comply with conditions precedent to the original approval of the permit. (Ord. 07-30 § 2)

17.56.030: APPLICATION:

EXISTING TEXT

A. A conditional use permit application shall be made to the community development department as provided in this title. The completed application shall be submitted to the planning commission at one of their regularly scheduled meetings. The planning commission may authorize members of the community development department to grant or deny conditional use permits, subject to such limitations or qualifications as are deemed necessary.

B. Applications for a conditional use permit shall be accompanied by the names and addresses of persons entitled to notice, maps, drawings, statements, reports, studies or other documents, as required by the planning commission and planning staff. (Ord. 07-30 § 2)

17.56.040: FEE:

The application for any conditional use permit shall be accompanied by an appropriate fee. (Ord. 07-30 § 2)

17.56.050: PUBLIC HEARING:

No public hearing need be held, however, a public hearing may be held when the planning commission shall deem such a hearing to be necessary in the public interest. The planning commission shall schedule and hold a hearing at the nearest available planning commission meeting date upon submission of a properly completed and filed application form. (Ord. 07-30 § 2)

17.56.060: DETERMINATION:

The planning commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use, the planning commission shall impose such requirements and conditions as are necessary for the protection of adjacent properties and the public welfare. The planning commission shall not authorize a conditional use permit unless the evidence establishes:

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well being of the community and the neighborhood;
- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;
- C. That the proposed use will stress quality development with emphasis toward adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate

EXISTING TEXT

gradation of building height away from single-family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets;

D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.

The planning commission may impose conditions on the issuance of a conditional use permit including, but not limited to, limitations on the size or shape of buildings; dedication, relocation, and/or development of streets; installation and up sizing of utility mains, screening or landscaping to protect adjacent properties; the elimination or relocation of windows or doors to protect the public and adjacent property from the detrimental features of the proposed use; or the requirement of additional parking, or other changes not inconsistent with this subsection. (Ord. 07-30 § 2)

17.56.070: APPEALS OF DECISIONS:

Any person for which any application for approval of a conditional use permit has been filed or any person who may be affected by the proposed use shall have the right to appeal the decision of the planning and zoning commission to the appeal authority. An appeal must be presented in writing within thirty (30) days after the date of decision of the planning and zoning commission. (Ord. 14-10: Ord. 07-30 § 2)

17.56.080: INSPECTION:

Following the issuance of a conditional use permit, the planning office shall approve an application for a building permit upon compliance of construction plans meeting such conditions and requirements as established by the planning commission. Representatives of the code enforcement/community development division shall inspect the project to ensure that all required improvements meet the conditions of the conditional use permit and this title before a certificate of occupancy is issued by the building inspection division and before an application for permanent or temporary power for the property may be approved by the city power department. (Ord. 22-33: Ord. 07-30 § 2)

17.56.090: REVOCATION:

A. Written Complaint: Upon receiving a written complaint alleging a violation or failure to comply with any condition prescribed in a conditional use permit, the code enforcement/community development division shall investigate the complaint. If the complaint has merit, and attempts to remedy the complaint fail, the community development division may place the complaint on the agenda of the regular meeting of the

EXISTING TEXT

planning commission, provided, that the permittee shall have at least fourteen (14) days' notice of the meeting.

B. Hearing Procedure: Permittee shall be given written notice of the exact nature of the complaint and the date and time of the hearing before the planning commission. The hearing shall be held in accordance with customary administrative hearings procedures.

C. Action; Complaint Dismissal: The planning commission, after hearing the evidence presented regarding the complaint, may continue the hearing from time to time, modify or rescind any condition or requirement of the conditional use permit as it deems necessary, revoke the conditional use permit, or take no action and dismiss the complaint.

D. Relief From Order: Any permittee aggrieved by an order entered by the planning commission pursuant to this section may maintain an action for relief therefrom in any court of competent jurisdiction. Action for relief must be filed with the court within thirty (30) days after the order from which relief is sought is made.

E. Notices: All notices required herein shall be provided by personal service or by certified mail.

F. Effective Date And Scope: This section shall apply to all conditional use permits issued after the effective date hereof, regardless of change in ownership or occupancy. (Ord. 22-33: Ord. 07-30 § 2)

17.56.100: TIME LIMIT:

A. A temporary conditional use permit may be issued by the planning commission for a period of six (6) months. This permit may be renewed by the planning staff for a total of three (3) successive six (6) month time periods, allowing a total of two (2) years for the temporary conditional use permit. Where hardship or unusual circumstances exist, the planning commission may extend the temporary permit for one additional year. These extensions shall be granted in two (2) separate six (6) month increments. A temporary conditional use permit shall not be issued for a use which is not incidental to or directly related to an intended permanent use on the property.

Mobile offices, homes or trailers which are used for business purposes shall only be allowed for a six (6) month time period as authorized by the planning commission. The planning commission may extend the time period for the temporary structure up to one additional year providing that plans for a permanent structure have received commission approval.

Temporary structures shall be removed from the property upon occupancy of the permanent structure. Premanufactured structures which meet all building code regulations and construction trailers shall be exempt from this regulation.

B. A temporary conditional use occupancy permit shall not be issued nor shall the building structure or other facility be occupied until all water, sewer, and electrical permits have been issued and all appropriate inspections performed.

EXISTING TEXT

C. Unless there is substantial action under a conditional use permit within a maximum period of two (2) years of its issuance, the conditional use permit shall expire. The planning commission may grant a yearly extension, when deemed in the public interest. (Ord. 22-33: Ord. 07-30 § 2)

17.56.110: CONDITIONAL ZONES:

Upon the recommendation of the planning and zoning commission and after the public hearing, the city may establish conditional zones within existing zoning districts where it is shown that it is in the best interests and general welfare of the community. The planning commission may establish and impose such conditions and requirements that are in keeping with the best interest and general welfare of the community. (Ord. 22-33: Ord. 07-30 § 2)

17.56.120: REAPPLICATION AFTER DENIAL:

Denial of an application for a conditional use permit regarding any parcel of property shall prohibit the filing of another application for a conditional use permit for the same parcel of property or any portion thereof, within one year of the date of the final denial of the previous application unless the planning commission finds that there has been a substantial change in the circumstances or sufficient new evidence as submitted by the applicant in writing since the denial of the previous application to merit consideration of a second application within the one year time period. (Ord. 22-33: Ord. 07-30 § 2)

17.56.130: CONTINUING EFFECT:

A conditional use permit, once approved, affects real property regardless of change in ownership and all subsequent owners are subject to those conditions so long as that conditional use is being conducted on the property. The conditional use may be conducted either intermittently or continuously, provided, however, that if the conditional use becomes a legal nonconforming use due to a later amendment to this title, the provisions of chapter 17.52 of this title relating to nonconforming buildings and uses shall apply. (Ord. 22-33: Ord. 07-30 § 2)

17.56.140: REPORTING REQUIREMENTS:

Before February 1 of every year, the owner or occupant of a property which has been approved for the following land use under a conditional use permit shall provide written evidence to the community development division that the property use complies with this title:

1210.1 Supervised youth group home. (Ord. 22-33: Ord. 07-30 § 2)

EXISTING TEXT

17.68.040: LANDSCAPING REQUIREMENTS:

The following standards apply to all commercial, industrial, mixed-use and multifamily developments.

A. Perimeter:

1. Front Setback Areas:

a. Landscaping in these areas shall consist of three (3) trees, and five (5) 5-gallon and ten (10) 1-gallon shrubs per one hundred (100) linear feet of frontage. The trees and shrubs shall either be clustered or spread out at regular intervals. The remaining area shall be planted with living ground cover in order for the front setback area to meet a minimum fifty percent (50%) of landscape bed coverage at maturity. Landscaping shall consist of a water efficient design with watering zones having plants and similar water needs. All unpaved areas not utilized for parking or access shall be landscaped in a similar manner,

b. The entire area between the curb and the building or parking setback line shall be landscaped and irrigated, except for any access driveway in said area,

c. In no case shall the front landscaped area be less than ten feet (10') behind the back side of sidewalk or street right of way line, except in the TOD, CC-FBC, MCMU, CMU, and VMU districts,

d. All commercial, manufacturing and multi-family residential development fronting public or private streets shall plant trees in conformance with species and spacing specified in the applicable streetscape plan,

e. Where a park strip is provided, the park strip shall be planted with low growth which may include ground cover and shrubs not exceeding three feet (3') in height, and/or high branching trees (branching shall begin not less than 6 feet above the soil surface). Park strip areas shall also meet the minimum landscape bed coverage of fifty percent (50%) at time of maturity.

f. Ground cover is required to provide fifty percent (50%) bed coverage at time of maturity. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation, but does not include turf grass/lawn or trees. Evergreen trees may be counted as ground cover if branches reach the ground.

2. Abutting Properties: Where multi-family residential, commercial or manufacturing uses abut legal conforming single-family residential or where commercial or manufacturing abut legal conforming multi-family residential uses, a masonry wall, measuring six feet (6') high plus a minimum ten foot (10') wide landscaped buffer consisting of trees and water efficient plant material as required by this section shall be placed between the property line and any paved area.

B. Interior:

EXISTING TEXT

1. Nonparking Areas: All unpaved areas not utilized for parking or storage, shall be landscaped utilizing drought tolerant ground cover, shrub and tree materials, and/or grass.

2. Parking Areas: For parking lots with fifty (50) or more parking stalls, the following standards apply:

a. Distance To Landscape Area: All parking spaces shall be within seventy five feet (75') of a landscape area. Parking islands may be used to meet this standard.

b. Parking Islands:

(1) Parking islands shall be a minimum of one hundred sixty two (162) square feet in area, not including the curbing required by subsection C of this section.

(2) Parking islands shall be at least nine feet (9') wide including the curbing required by subsection C of this section.

(3) One tree and four (4) shrubs shall be required for each parking island installed.

c. Ground Cover Required: Ground cover is required to have fifty percent (50%) coverage at time of maturity. Coverage calculations shall be included in the formal landscaping plan. Ground cover includes grasses, shrubs and other low growing vegetation but does not include trees. Evergreen trees may be counted as ground cover if branches reach the ground.

d. Trees; Required Size: Trees required for installation within interior parking areas shall be no less than two inch (2") caliper size at time of planting.

e. Trees; Location: Trees planted within interior landscape areas shall be located at least three feet (3') away from curb.

f. Shrubs; Size: Shrubs shall be no less in size than what is customarily accommodated within a one gallon size container, in accordance with industry standards.

C. Lawn Restrictions:

1. Turf grass/lawn shall not be installed in locations that are smaller than eight feet (8') in width.

2. Turf grass/lawn shall not be installed in park strips, paths or on slopes greater than 25% or a 4:1 grade.

3. Turf grass/lawn areas shall not exceed 20% of the total landscaped area, outside of active recreation areas.

D. Concrete Curbing:

1. Where required landscaping is located by driveways, parking areas, aisle space, docking areas or other similar usage in multiple-family, commercial and manufacturing districts, the landscaping must be enclosed by a six inch (6") poured concrete curb wall;

E. Accommodation Of Bus Benches And Shelters:

EXISTING TEXT

1. A bus bench or shelter may be placed in the landscape setback area required by this chapter if:
 - a. The bench or shelter does not violate the sight distance restrictions applicable to fences and similar structures applicable to the same property under chapter 17.64 of this title,
 - b. The remaining area of the landscape area complies with this chapter, such as the concrete curbing, planting and irrigation requirements, and
 - c. The proposed bench or shelter meets any other conditions the community development director deems appropriate;
2. This subsection D does not require a property owner or occupant to allow placement of a bench or shelter in the landscape setback;
3. This subsection D does not grant or confer upon any person any right to place a bus bench or shelter without permission of the property owner or occupant;
4. If the bench or shelter is permanently removed from a landscape setback area, the landscaping and related concrete curbing and irrigation shall be installed or restored as required by this chapter. (Ord. 25-29 § 2: Ord. 25-20 § 4: Ord. 14-01: Ord. 13-03)