

Minutes of the Planning Commission meeting held on Thursday, May 5, 2016, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Buck Swaney, Acting Chair  
Phil Markham  
Scot Woodbury  
Gary Dansie  
Sue Wilson  
Tim Tingey, Administrative and Development Services Director  
Jared Hall, Community & Economic Development Manager  
Brad McIlrath, Assistant Planner  
G. L. Critchfield, Deputy City Attorney  
Citizens

Excused: Travis Nay, Chair  
Maren Patterson, Vice-Chair

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Division Office.

Buck Swaney opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures. He acknowledged the newest planning commission member, Sue Wilson.

#### APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes from April 21, 2016 as corrected by Mr. Swaney. Seconded by Ms. Wilson

A voice vote was made, motion passes 5-0

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for Sharks Auto, The Advocates and Jeffrey Child. Mr. Woodbury seconded the motion.

A voice vote was made, motion passes 5-0.

#### ARS CLEANUP, RESTORE, REBUILD – 4586 South Cherry Street – Project #16-43

Craig Mumford was the applicant present to represent this request. Brad McIlrath reviewed the location and request for Conditional Use Permit approval for a contract restoration/construction business to be located at the property addressed 4586 South Cherry Street. Municipal Code Ordinance 17.152 allows Contract Construction Services (LU #6600) within the M-G zoning district subject to Conditional Use Permit approval. The applicant plans to use the existing building and is not planning to do any new construction or remodeling of the existing building. The building has overhead doors with access into the building warehouse areas. The plans provided indicates the building contains 4,800 sq. ft. on the ground level and 1300 sq. ft. on the

second floor. The applicant indicated the rear yard exterior area will be used for parking for trucks and equipment storage. With an inspection of the site, there are 14 parking stalls located in the front of the building, including one disabled stall. The parking stalls paint is about worn off and the parking stalls will need to be restriped. The City Code Chapter 17.72 parking requirement for office space is four parking stalls per 1,000 sq. ft. and the parking required for warehouse space is one stall per 750 sq. ft. The calculation for the total building office space is 2,100 sq. ft. and total warehouse is 4,150 sq. ft. which will require 12 paved parking stalls, which includes one disabled stall to comply with ADA regulations. There are 14 paved parking stalls in front of the building which complies with the minimum parking stalls required on the site to comply with City Code Chapter 17.72. Landscaping had been installed for this property several years ago, but is currently not compliant to the current code standards. Landscaping plans are required to include shrubs in the front yard setback to comply with Municipal Code Chapter 17.68. The site is located in an area where there are existing utilities readily available. The proposed use will have minimal impact on traffic in this area. The applicant has provided adequate information for review of the Conditional Use Permit by the Planning Commission and Planning Staff. Based on the information presented in this report, application materials submitted and the site review, staff recommends Conditional Use Permit approval for ARS Cleanup, Restore, Rebuild at the property addressed 4586 South Cherry Street, A, B, C, subject to conditions.

Mr. Markham asked if the Engineering or Streets Department had commented about the gravel area and the storm water permit eligibility or runoff concerns. Mr. McIlrath responded that the project does need to meet all Murray Power, Water and Sewer requirements. When the applicants apply for a business license or the building permit process, those issues will need to be addressed. No concerns have been indicated by the Power, Water and Sewer Departments.

Craig Mumford, 4586 South Cherry Street, indicated he is vice president of ARS Cleanup, Restore, Rebuild. He did not have any additional comments. He indicated he has reviewed the conditions of approval and will comply.

Mr. Dansie asked what will be done inside the building at this location. Mr. Mumford responded that this location will be mainly administrative type uses as well as to warehouse their equipment and general construction items. He stated they will not be doing any restoration or manufacturing inside the building.

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

Mr. Woodbury made a motion to grant Conditional Use Permit approval for ARS Cleanup, Restore, Rebuild located at 4586 South Cherry Street subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall comply with Murray Fire Department requirements and meet all applicable building and fire codes.
3. Trash containers shall be screened as required by Section 17.76.170.
4. The applicant shall provide plans for City approval for upgrade to the landscaping to

include shrubs to comply with the landscaping regulations in Municipal Code 17.68. prior to operation of the business and business license approval.

5. The parking stalls on the site shall be restriped, including one disabled stall with a sign posted to comply with Municipal Code Chapter 17.72. prior to business license approval.
6. The applicant shall comply with Murray Power and Murray Water and Sewer Department requirements.

Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

A  Buck Swaney  
A  Phil Markham  
A  Sue Wilson  
A  Gary Dansie  
A  Scot Woodbury

Motion passed, 5-0

LAND USE ORDINANCE TEXT AMENDMENT – Remove Land Use #6379 (Self Storage Units)  
Use from the C-D zone – Project #16-44 – Public Hearing

Jared Hall presented this request on behalf of Murray City Community Development Division. The Community & Economic Development staff are proposing the removal of LU # 6379, Self-storage units, as a Conditional Use in the C-D zone. LU #6379 Self-storage units, is currently listed as a conditional use in the C-D zone. Self-storage units are a permitted use in the M-G zone, but are not an allowed use in other classifications, such as the TOD, M-U, MCCD, or G-O zones. The C-D zone is a general retail zoning district, concentrated mostly along the State Street corridor, the Fashion Place Mall, and the Intermountain Medical Center. Several other outlying areas of C-D zoning can be found along 900 East, and west of I-15 on 5300 South. Staff's position in recommending the removal of this land use from the C-D zone is that self-storage warehousing, like other warehousing activities, is a land use pattern that more appropriately belongs in the manufacturing and industrial core of the city. It is important that available land for development and redevelopment in the retail corridors and commercial nodes that serve the residential population be developed with appropriate retail and commercial uses. Mr. Hall showed photos of existing storage units located throughout Murray City, some of which are currently located in the C-D zone. He indicated that staff has been discussing removing self-storage units from the C-D zone for many months. If this ordinance is adopted, the existing storage units would become legal nonconforming in the C-D zone. He stated that currently there are no applications for self-storage units. However, there is an individual interested in building self-storage units in the C-D zone on property located approximately 5400 South Commerce Drive owned by Mr. Nash Williams who is present at this meeting. He explained that under the State code, the Community Development office could refuse to accept an application for self-storage units in the C-D zone since there is a pending ordinance amendment. Community Development Staff concludes that: 1- The proposed amendment is consistent with the standards of the General Plan. 2- The proposed amendment is consistent with the purpose of the C-D zone. Based on the above findings, staff recommends that the Planning Commission

forward a recommendation of approval to the City Council for the proposed amendment to the text of the Murray Municipal Code Section 17.160.030 removing LU #6379, Self-storage units, as a conditional use in the C-D zone.

Mr. Swaney stated this is a public hearing and asked if there is anyone present who wishes to comment on this proposal.

Nash Williams, owner of property located at 5443 South Commerce Drive, which is located within the C-D zoning district. Mr. Williams presented photos of self-storage buildings representing what he would like to build on his property. Mr. Williams stated he purchased the property in November of 2015 and had talked to city staff prior to purchasing the property and understood self-storage units was an allowed use. He stated that one intended use was to build office/warehouse for a contractor use. He indicated that he is a contractor and construction office/warehouse uses are not allowed in the C-D zone. Another intended use for the property is for climate-controlled self-storage units. He stated that he paid an individual \$10,000 from Virginia to come to verify that there is a need for these types of uses. He stated the report will be completed next week but verbally he has been told that all the storage units in the area have a 90% or greater occupancy. He stated that very few of the storage units in this area have climate-controlled units. He stated when customers are moving their goods they are within a large hallway on the inside of the structure. He stated that by building storage units at the southeast area of the property, it would also help to screen the view of the old sampling mill structure located to the east that is an eye sore. His project is visually more pleasing than many of the existing self-storage units in the city. Mr. Williams stated that he has expended a lot of money and time in an effort to build self-storage units on his property and now the city is proposing to eliminate self-storage units from the C-D zone which would kill the intentions for his property. He asked the planning commission to delay approval of this proposed text amendment, or allow him the opportunity to apply for storage units on his property.

Mr. Swaney asked the commission for comments or questions.

Mr. Markham stated the city wishes to pursue the best and highest uses of property in the city. He stated hotels are running at 90% or greater occupancy and the city has a new hotel just down the road from Mr. Williams's property. He asked Mr. Williams if a hotel use, or other use, would be considered by Mr. Williams for his property. Mr. Williams responded his property is an income property and if another use is a better fit, he would be willing to do so, but time is limited since the city has proposed to eliminate storage units from the C-D zone. He stated he has funding to build the storage units, mostly self-funded. He stated his preference is to build self-storage units as opposed to another use. He stated the existing used car lot would remain for the time and the back half of the property would be the location for the storage units. He has a 90 day lease for the car lot and eventually he would build something else there.

Mr. Markham stated the planning commission decision tonight is a recommendation to the city council and is not the final say on the ordinance amendment. He asked if the staff had the flexibility to consider an application from Mr. Williams for self-storage units even though the recommendation will go forward to the city council for a final decision. Mr. Williams stated he would be willing to work with city staff on building self-storage units on his property and does not want an eye sore for a building on his property. He stated his proposal would be nice looking and would be at the back of his property and eventually he would build something else at the front of the property. He stated that building an office building would not be very feasible since

there is over a million square feet of office space being constructed on the other side of the freeway by Security National.

Mr. Markham stated that Murray City is landlocked and does not have room for growth and there are few vacant properties. That is why there is a lot of trepidation in locking something up for storage that would be there for generations and storage units are needed in the community, but at the same time, the city is witnessing change of identity and the city is attempting to maximize the use of all the property. Mr. Markham stated that the storage units are not an "improper" use or "second class" use, but the city is facing a unique set of circumstances with the growth and development of the city and the IMC hospital in the near vicinity which has changed the face of Murray. Mr. Williams stated that the previous owner tried to get a medical facility use on the property but had no success. He stated the adjacent property, which is occupied by Tuff Shed has a 14 year lease and will therefore not be leaving anytime soon.

Mr. Swaney asked Mr. Williams how quickly he could put together an application proposal for storage units. He asked Mr. Williams what kind of delay he would wish to have if the commission could delay this text amendment. Mr. Nash responded that a month minimum, preferably two months, would be desirable to be able to submit an application for storage units. He stated his architect he has been working with for storage units is out of California and has indicated he would take a month to put together plans to submit for a conditional use permit with the city. He stated his storage units would be a 3-4 story building.

Ms. Wilson asked Mr. Williams if he owns the entire Auto Auction property and if he has contemplated a hotel use for his property. Mr. Williams responded that he owns all 3.96 acres which is currently occupied by the Auto Auction. He stated he spoke with the manager of the Holiday Inn Hotel next door who indicated that some of their occupants have indicated discontent with the view of the property to the southeast and it being an eye sore.

Ms. Wilson stated that she and her husband had done business with Mr. Williams but did not feel that would be a conflict for voting on this proposal. Mr. Williams expounded on Ms. Wilson comments and indicated the Wilson's and himself currently do not have a business relationship.

The public comment portion for this agenda item was closed.

Mr. Dansie stated storage units may be a good thing for this particular property, but may not be a good thing in other areas in the city that are zoned C-D. The proposal is for all the C-D zoning and not site specific which makes it a difficult situation for the commission.

Mr. Markham commented that he has a great deal of faith in city staff. He stated that the staff has indicated there may be a willingness, based on the type of proposal from Mr. Williams, to work with him even though there is pending legislation on this matter.

Mr. Dansie asked about postponing this proposal for a month. Mr. Woodbury asked if there is a particular reason the city is pushing forward now and is there a time constraints for adopting the ordinance. Mr. Hall responded there is no particular time frame for adopting this ordinance, but that it has been in discussion for several months with city staff and the city's General Plan is currently being updated. It typically takes 30 days after the planning commission reviews and item before it is considered by the city council. Mr. Hall stated with pending legislation for this ordinance amendment the city could reject Mr. Williams's proposal or any application for storage

units in the C-D zone. Mr. Hall stated in his opinion, it should not be delayed and it will be approximately 30 days before the city council would decide on the matter.

Mr. Markham commented that the fact that storage units are conditional uses in the C-D zone does allow the commission to impose reasonable conditions for an approval.

Mr. Swaney stated that in the past 3 years he has been on the commission he has only seen one other storage unit proposal and he would be comfortable if this proposal is delayed which would allow Mr. Williams time to submit his application proposal.

Mr. Woodbury stated he is comfortable sending it forward to the city council because it will take at least 30 days and in the meantime, Mr. Williams could be working with city staff for his application proposal.

Mr. Swaney stated he would like to clarify that it is the commissions' intent that Mr. Williams would be allowed to, in good faith, to submit his proposal to city staff for consideration of storage units for his property at 5443 South Commerce Drive.

Tim Tingey stated that due to pending legislation, it is an administrative issue as to whether or not to accept Mr. Williams's application proposal. He stated he has been working with Mr. Williams on this issue and will continue to do so by way of an administrative process for determination and the pending legislation is already in place. Mr. Swaney stated if the window of opportunity was not possible for Mr. Williams he would vote differently than if the window of opportunity is possible.

Mr. Woodbury clarified that it really doesn't matter whether the commission delays taking action on this proposal or not because the city will work with Mr. Williams to determine if this proposal is appropriate or not. He commented that he feels it is an appropriate use, but the city is running out of vacant property. He stated he also trusts the city staff and feels comfortable with this proposal from the staff. Mr. Tingey responded the pending legislation to amend the text will be acted upon by the city council and this particular matter regarding Mr. Williams' proposal will be handled administratively.

Mr. Woodbury made a motion to forward a recommendation of approval to the city council for a text amendment to Municipal Code Section 17.160.030 to remove Land Use #6379, self-storage units, as a conditional use in the C-D zone. Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

A \_\_\_ Phil Markham  
N \_\_\_ Sue Wilson  
N \_\_\_ Gary Dansie  
A \_\_\_ Scot Woodbury  
A \_\_\_ Buck Swaney

Motion passed, 3-2 (Nay votes by Ms. Wilson and Mr. Dansie)

LAND USE ORDINANCE TEXT AMENDMENT – Municipal Code 16.156.140.F Double Frontage Lots – Project #16-48 – Public Hearing

Jared Hall presented this proposal on behalf of the Community Development Division. Community & Economic Development staff are proposing a modification of the regulations regarding the landscaping of park strips for double-frontage lots. The proposed modification would be limited to specific arterial and collector streets. Planning and Engineering staff have recently been discussing the challenges of maintenance of park strip landscaping on double frontage lots in some of the city's high volume corridors. Working with the City Engineer, staff has identified 700 West, State Street, the Van Winkle Expressway, 900 East, 1300 East, Winchester Street, 4500 South and 5300 South west of State Street, as corridors which have sections where it may be desirable to allow the substitution of landscaping for hard surfaces in the park strips. Many of these corridors have a high incidence of "double frontage lots". Double frontage lots are typically accessed from an interior subdivision street, and may or may not have any access onto a larger arterial or collector like the streets identified here. Although a park strip is part of the right-of-way improvements, the adjacent property owner is required to landscape and maintain the park strip. This can be particularly difficult for double frontage lots backing arterials and collectors. By ordinance, subdivisions that create double frontage lots along these streets must erect a masonry wall as a part of the required frontage improvements. While there are provisions in the ordinance to assure care of the required landscaping, planning and engineering staff have found it consistently difficult to promote and require the park strip landscaping in some sections of the streets identified here. Staff proposes that the ordinance be modified to allow for planning and engineering staff to make determinations in some cases that landscaping be substituted for pavers, stamped or regular concrete in these corridors.

Regulations for double frontage lots are found in the Subdivision Ordinance (Title 16) under Lot Design Standards. Along with the changes described in the review above, staff is proposing that several duties assigned to the "city forester" in this section be re-assigned to the Community and Economic Development Division or to the City Engineer. The majority of the additional language is contained in a new proposed subsection "j".

Section 16.16.140

F. Double Frontage Lots: Lots, other than corner lots, having double frontage may not be approved except where necessitated by topographic, transportation corridor requirements, or other unusual conditions. Double frontage lot improvements shall include the masonry wall and related landscape improvements as follows:

1. A solid masonry buffer wall is required on the rear lot line of double frontage lots which abut collector and arterial streets.

2. Regulation sidewalk and approved park strip are required adjacent to the rear lot line buffer wall of double frontage lots.

3. A subdivision plat may not receive final approval for recording unless the design plan for the buffer wall and related sidewalk/park strip improvements required by this section have been approved by the public services and community development departments and installation of the improvements is guaranteed as provided by law.

4. The masonry buffer wall and related sidewalk and park strip improvements shall be approved according to the following criteria:

- a. The buffer wall shall comply with title 17 of this code.
- b. The buffer wall shall be constructed of brick, concrete block or similar masonry materials as approved by the community development department.
- c. Unpaved areas between the inside edge of the sidewalk and the buffer wall are not permitted; any of these gaps shall be covered by widening the sidewalk.
- d. The subdivider/developer shall, as part of the development, install concrete around the park strip, along with sleeves underneath or through the sidewalk to accommodate sprinkling systems to the park strip and shall include a program for watering and care to assure the survival and growth of the landscaping that meets the approval of the planning commission.
- e. Trees shall be provided on thirty foot (30') centers in the park strip. On corner lots, the first tree nearest the intersection shall be located forty feet (40') from the intersection. Trees to be planted shall be provided by the subdivider/developer as provided in section 16.16.280 of this chapter.
- f. The park strip area abutting the collector or arterial street shall be landscaped with vegetation, as approved by the Community and Economic Development Division, except as otherwise provided in subsection j.
- g. The subdivider/developer shall warranty that all required landscaping shall survive the initial planting season and shall be in a hardy living condition, as determined by the Community and Economic Development Division, within one year of the initial planting season.
- h. A property owners' association or the adjacent property owner shall maintain the landscaping required for the park strip, unless the city agrees to maintain the landscaping. The city, at its discretion, may add, remove, replace, or maintain landscaping within the park strip.

The applicant may request city maintenance. The following standards apply:

- (1) Acceptance of maintenance shall be based on the determination that the public interest is served by city maintenance. The city may require an additional assessment on the subject properties for ongoing maintenance.
- (2) Installation of all landscaping improvements shall be per city standards.
- (3) Installation of all landscaping and improvements shall be part of the public improvements.

The applicant shall maintain the improvements for at least one year following



construction acceptance by the city, thereafter until the city has granted final acceptance for maintenance.

i. It shall be unlawful for any person to remove turf, trees or forms of landscaping from a park strip which were required by the provisions of this section unless first approved by the city forester. This provision does not apply to routine maintenance of a park strip.

j. The required vegetation in park strips adjacent to 1300 East, 900 East, 4500 South and 5300 South west of State Street, the Van Winkle Expressway, State Street, 700 West and Winchester Street may be substituted with brick pavers, or stamped, or finished concrete if the City Engineer determines that conditions warrant such a substitution due to limited accessibility by property owners, traffic volumes, maintenance concerns or the availability of sufficient space to provide viable landscaping within the park strip.

5. The Community and Economic Development Division may approve minor modifications to the requirements of this section to better achieve the intent and address specific site conditions. Upon request by an applicant, the planning commission may approve an alternative landscape plan that may be substituted in whole or in part for the landscaping meeting the standards of this section. To approve an alternative plan, the planning commission must first find that the proposed alternative plan accomplishes the purposes of this section equally well or better than would a plan which complies with the standards of this section.

6. "Double frontage lots" as used in this section means a subdivision lot which has access from an interior subdivision street and also abuts the right of way of a collector or arterial street along the rear lot line. This section does not apply to subdivision lots created by plats which received preliminary approval from the planning commission prior to the effective date hereof. (Ord. 06-

Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendment to the text of the Murray Municipal Code Section 16.16.140 F.

Mr. Markham asked when staff is considering this proposal, are landscape architects ever consulted for what is appropriate or just receiving their input. He stated he is aware the city has not had a city forester for many years and prefers that the city has a city forester or landscape architect for green space in the city and turning it over to Community Development staff who haven't had that professional background. Mr. Hall responded that none of this precludes some of the allowances. Mr. Woodbury concurred.

Mr. Swaney commented that expressed concern that this proposal may not provide a structure or uniform set of design standards so that as this takes place over the long term there will be a rhythm to it and it looks good altogether. This may be a license to do things that are undefined. He asked if there is a way to provide more definition or structure. Mr. Hall responded that the challenge is that there are a lot of road projects currently that demand something be done, yet the city's desire is to provide for uniformity. He stated this proposal is specific to double frontage lots only.

Mr. Swaney commented that a corridor design plan for each of the major corridors can be done pretty simply with basic design standards in place. If there is an urgent matter that is being

addressed, that this may be something that over the coming months we would want to have in place. The reason it is hodge-podge right now is for lack of a standard. He stated that good planning would be to create standards for double frontage lots along these corridors before this change is made. Mr. Hall responded that the city currently has what Mr. Swaney is referring to but because those standards haven't worked it is necessitating this proposed change.

Ms. Wilson commented that brick pavers heave in the winter months if not installed properly and become a hazard for those riding bicycles or walking. She suggested that the code define how the pavers are to be installed. Mr. Hall responded that the installation would be under the discretion of the city engineer. This ordinance would allow the city engineer to determine whether pavers or stamped concrete is installed and because it is in the public right-of-way it must be done to public standards which are already in place.

Mr. Swaney commented that he is okay with this proposal in principle, especially as intermediate to help with this issue, but he would like it to be on a planning queue. Mr. Hall commented that the point is well taken.

Mr. Tingey thanked the commission members for their comments and indicated that the planning staff is interested in working towards having design elements that create uniformity. He stated that the double frontage lots are unique and this amendment pertains only to double frontage lots. There are a lot of issues for maintenance of double frontage lots such as water and weed controlling. The width of the streets vary because of widening of the roads and sometimes there is not the room to do some of the requirements in the planter strips. Those issues are what prompted this code change.

The hearing was opened for public comment. No comments were made and the public comment portion for this agenda item was closed.

Mr. Markham made a motion to forward a recommendation of approval to the city council for the proposed amendment to the text to Municipal Code Section 16.16.140.F. Double Frontage Lots. Seconded by Mr. Woodbury,

Call vote recorded by Mr. McIlrath.

A \_\_\_ Phil Markham  
A \_\_\_ Sue Wilson  
A \_\_\_ Gary Dansie  
A \_\_\_ Scot Woodbury  
A \_\_\_ Buck Swaney

Motion passed, 5-0.

#### OTHER BUSINESS


There was no other business.

Meeting adjourned at 7:35 p.m.

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Jared Hall, Manager  
Community and Economic Development