

Minutes of the Planning Commission meeting held on Thursday, May 3, 2018, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair
Lisa Milkavich, Vice Chair
Maren Patterson
Phil Markham
Sue Wilson
Ned Hacker
Jared Hall, Community & Economic Development Supervisor
Mark Boren, Associate Planner
Jim McNulty, Development Services Manager
Tim Tingey, Administrative and Development Services Director
Briant Farnsworth, II Deputy City Attorney
Citizens

Excused: Scot Woodbury

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

Travis Nay opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Hacker made a motion to approve the minutes from the April 19, 2018 Planning Commission meeting. Seconded by Mr. Markham.

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

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

There were no Finding of Fact.

MOBILITIE, LLC – 4960 South Galleria Drive (apx) Right-Of-Way - Project #18-40

Nefi Garcia was present to represent this request. Jared Hall reviewed the location and request to allow the installation of a new monopole for small wireless facilities (SWF) located in the public right-of-way on Galleria Drive at approximately 4950 South located in the M-U zone. Mr. Hall stated the proposed monopole is not tied to a parcel of land instead, would be located in the right-of-way. This approval would be considered under our franchise agreement and 17.80 of the existing Zoning Ordinance. Many of the same conditions apply such as, underground power, power up through the pole, any in conduit must be painted the same color as the pole. This will be a 35-foot monopole intended to attach the small cell wireless equipment. There will not be any other utilities or guy wires attached to the pole. Mr. Hall added when the new proposed 17.82 ordinance goes into effect, similar SWF applications will not be considered as Conditional Use and will not go through the Planning Commission instead be reviewed by Staff. Based on the information presented in this report,

application materials submitted and the site review, staff recommends approval to allow the installation of a new monopole for a SWF subject to conditions.

Nefi Garcia, 824 Wellington Drive, Kaysville, stated he has reviewed the conditions and will be able to comply. Mr. Hacker asked if all the wiring on this monopole will be internal. Mr. Garcia answered yes, all wiring will be located within the steel hollow pole.

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

Mr. Markham made a motion to approve the installation of a new monopole for small wireless facilities (SWF) located in the public right-of-way on Galleria Drive at approximately 4950 South, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain Building permits for the installation, providing engineer stamp design.
3. The applicant shall obtain the necessary permits from Murray City required for performing work in the Public Rights-of-Way.
4. The foundation of the monopole shall be located at least one foot to the west of the curb and gutter on Galleria Drive or the location of curb and gutter in the future as it's surveyed.
5. The project shall comply with all requirements of the Franchise Agreement and the Murray City Land Use Ordinance.
6. The monopole and antenna shall be erected to a height of no greater than thirty-five (35) feet.
7. The equipment mounted on the monopole shall be painted to match the color of the monopole.
8. The project shall meet all requirements of the Murray City Power Department.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Lisa Milkavich
 A Phil Markham
 A Sue Wilson
 A Ned Hacker
 A Travis Nay

Motion passed 6-0.

MASTER BLASTER RESTORATION LLC – 4656 S Cherry Street - Project #18-41

Toby Parcell was present to represent this request. Jared Hall reviewed the location and request to allow a sand and water blasting restoration business on the property addressed 4656 South Cherry Street in the M-G zone. Mr. Hall stated that the applicants father had previously operated a sandblaster business in this shop, but the City did not have a CUP for it. The shop is located on a site that has a bay for automobile painting and shops for various types of storage as well. This business is the type of use we see in this area already. The site plan shows the two parking spaces that would be used for this business. The site has enough parking spaces, but the parking stalls will need to be restriped. Because this unit only has two bays parking will not need to be increased. Based on the information presented in this report, application materials submitted and the site review, Staff recommends approval of a Conditional Use Permit for the proposed sand and water blasting business at the property addressed 4646 South Cherry Street, subject to conditions.

Mr. Nay asked where Staff recommends the ADA stall should be located. Mr. Hall answered it should be located closest to the home on the property.

Toby Parcell, 4656 South Cherry Street, stated he has reviewed the conditions and will be able to comply. Mr. Parcell asked who will contact him in regard to the water & sewer requirements. Mr. Hall answered that when the business license is submitted the inspections will be scheduled.

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

Mr. Markham made a motion to approve a Conditional Use Permit for the proposed sand and water blasting business at the property addressed 4646 South Cherry Street, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain Murray City building permits for any construction.
3. The applicant shall re-stripe eight (8) parking spaces to assure they are in good condition and including one ADA compliant, van accessible space.
4. The applicant shall work with the Murray City Water & Sewer Department to determine the need for a sand interceptor, backflow device or any other improvements that may be required for the operation of the business.
5. The applicants shall obtain sign permits prior to the installation of any new attached business signage.
6. The property landscaping shall comply with landscaping standards outlined in Chapter 17.68 of the Murray Land Use Ordinance. The front setback landscaping along Cherry street shall be modified to include the following:
 - (a) Three (3) trees;
 - (b) Five (5) 5-gallon shrubs; and
 - (c) Ten (10) 1-gallon shrubs.
7. The applicants shall obtain a Murray City Business License and pay applicable fees.

Seconded by Ms. Wilson.

Call vote recorded by Mr. Hall.

A Phil Markham
A Sue Wilson
A Ned Hacker
A Maren Patterson
A Lisa Milkavich
A Travis Nay

Motion passed 6-0.

FASHION PLACE MALL & LARRY H MILLER AUTO SALES – 6011 S STATE STREET -
Project #18-42

Mark Thorsen and Greg Flint were the applicants present to represent this request. Mark Boren reviewed the location and request for a temporary new car storage and employee parking area at the property addressed 6011 South State Street located in the C-D zone. Mark Boren stated the Larry H. Miller dealerships propose to use excess parking spaces for the storage of new car inventory and employee parking during the non-peak shopping center period from January through October on about 5 acres north of the Fashion Place Mall. The applicant proposes to lease 200 of the 671 parking spaces. The Larry H. Miller dealerships will shuttle employees to and from the proposed parking site. Land Use Ordinance Chapter 17.160 allows automobile parking (LU #4600) within the C-D Zoning District subject to Conditional Use Permit approval. The storage of new car inventory and employee parking is allowed as a conditional use. Access to the parking site is off of 6100 South. Mr. Boren additionally stated that some improvements have been added to the site such as restriping of the parking lot and landscaping. Some of the existing plants have perished and will need to be replaced as well as the pre-cast concrete tire bumpers will need to be added to the head of the parking stalls. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval for a temporary new car storage and employee parking area subject to conditions.

Mr. Nay asked if the lot itself has any spaces that are allocated to the surrounding businesses or have parking agreements with the Fashion Place Mall. Mr. Boren answered there are none. Mr. Nay additionally asked what percentage of this size area should be covered by landscape. Mr. Boren answered there currently is landscaping adjacent to all the parking stalls and the perimeter. Mr. Hall added that 10% should be landscaped, but the satellite parking area is considered as part of the Fashion Place Mall as a whole when Staff analyzes the mall parking and landscaping. Mr. Nay asked if the current landscaping on the satellite parking site is a pile of rocks poured on the blacktop and wondered if that meets the City landscaping. Mr. Hall asked if he is asking about plant material. Mr. Hall answered that the interior landscaping is not as controlled as the exterior landscaping. Mr. Boren confirmed that there is some plant material on the satellite parking site, and condition number 2 requires that they remove and replace the perished plant material and they will be required to have 50% coverage with drought tolerant plant material. Mr. Nay asked if he can expect that they will install new and better landscaping than what is currently present. Ms. Wilson asked if there is a reason Staff is not specifying a specific number of plants and trees that will be required to be installed. Mr. Hall answered it is because it is not frontage landscaping.

Ms. Wilson asked for clarification about how many parking places will be leased to the dealership and if the specific count should be added to the conditions of approval.

Mark Thorsen, 14057 New Saddle Road, Draper, stated he has reviewed the conditions and will be able to comply. Mr. Thorsen stated he was prepared to install and update landscaping and added that they could install plants in a similar amount to the plants that were shown on the landscaping site plan that was previously approved by the City for the Macey's expansion asked it that would suffice. Mr. Nay answered that this is a separate CUP request and it is a chance for Staff to review the site as a whole. Mr. Thorsen stated that the required parking stops at the head of each stall was unexpected and added that there are parking stops are in the interior portion abutting the rock areas, but nothing around the perimeter.

Greg Flint, 3950 South 150 East, Sandy, L.H.M. questioned condition number 3 and asked why they would have to obtain a Business license when they are already licensed in the City of Murray.

Mr. Markham asked Mr. Flint if this application is approved for the off-site parking would it help the traffic congestion and parking problems associated with Stauffer Lane and the other dealerships as well. Mr. Flint answered that this application is to address the overflow and would be for sales inventory and employee parking. Mr. Flint presumed there would be some improvement at the dealerships.

Ms. Milkavich asked what they will do with the overflow vehicles and employee parking in November and December and where will the cars be moved to. Mr. Flint answered that he is not sure where the cars and employee parking will be moved to but is aware that it is a slow time for the dealership but is concerned that this extra space meets the immediate needs. Ms. Milkavich added that the lease will be for 2 years and stated that it seems to be a short-term fix for the needs of the dealership and asked if there is a plan to do something else after. Mr. Flint answered that they have looked at other options on the dealership sites, but this is the quickest solution for the nearing busy season and the next two-year season. This temporary site gives time to figure out what the long-term fix will be.

Mr. Hall stated the need for a business license on this site is because each different business activity and location requires a separate license. The business license will also help control and enforce the conditions of approval. Mr. Hall explained that the landscaping plan in the packets was a plan that was done as part of a site plan for the North Expansion and it was approved as a 50% coverage at the time, there was some existing and mature landscaping that we wanted to leave. That plan was not fully implemented. The conditions you see here are to update the interior landscaping and do not apply to any frontage landscaping. Mr. Hall addressed the concerns for wheel bumper stops and stated Staff is recommending them because there is not curbing that would normally be installed for landscaping areas. It would keep vehicles out for the landscaping area and protect the plant materials. This is an alternative to the 6 in high curbing that would normally enclose landscaped areas.

Ms. Milkavich asked how the parking lot area would be designated for the dealership needs away from the mall needs and how the City might regulate the parking conditions. Mr. Hall answered that Staff did discuss this idea and felt it would not be necessary to assign parking stalls because the mall would enforce it for their employee parking for mall employee parking. Mr. Hall added that the PC could require it. Mr. Nay stated that he was in the area today and there seemed to be plenty of room for both needs.

Ms. Patterson asked if the City cares if they park more than 200 cars on the lot and we don't have a way to enforce it, the mall should regulate it they notice they don't have enough spots for their employee parking. Mr. Hall commented that parking is a premium at the mall and they are aware of it and would expect they would police it well if it infringes on their needs.

Mr. Markham commented that one of the criteria for this approval is that the business is an asset to the community and quoted city code. Mr. Markham asked if a business contributes to the tax base of the City do we always then consider it to fit that criteria of being an asset to the community. Mr. Hall answered no, not always. This particular satellite parking lot area is isolated and there would be very little impact to anyone. It would help the Larry H. Miller business control some of the other problems on their dealership sites that bleed out into other neighborhoods, address the employee parking complaints, and it would have the potential to do a lot of good for those areas.

The meeting was opened for public comment.

Dave Liljenquist, 6995 South Union Park Center, stated they own some of the properties that surround the parking lot and it is no cross-parking issues between Shopko and the Mall parking but was concerned if there is any security for the new vehicles that may affect the nearby businesses.

The public comment portion was closed.

Greg Flint stated they do have night time site lighting, a security camera, rotating security patrols. The security runs 24 hours a day.

Mr. Markham stated he is concerned about the creep this type of business has into this area. It can be considered as car sales even though it is just storage and it is expanding the area that we are dedicating for car sales into the City. Mr. Markham added he is hesitant to see this continued creep and wondered if the PC members would entertain the idea of a 12-month time frame to see if there is a beneficial effect to other areas of the city that are involved with direct negative impacts of the dealerships. Mr. Nay asked if Mr. Markham is proposing a change to condition number 4. Mr. Markham answered that he would like to change it to 12 months and have them come back to the PC to review the situation. Ms. Patterson clarified if they would be approved to operate until October and then come back. Mr. Markham answered they could get approval for one cycle and then we would have a way to measure the effects of this decision. Mr. Markham added that in his opinion he does not see this as a benefit to the City and does not want to approve this blindly.

Ms. Wilson asked Staff if regular car lots are required to have some type of fencing and gate on the lots. Mr. Hall stated yes, but it is for car sales as required by the Motor vehicle Division and does not apply to storage. Ms. Wilson replied she felt that it should apply because the cars are available for sale. Mr. Hall stated the requirement is specifically for vehicles displayed for sale, and these are inventory vehicles. Mr. McNulty added that these vehicles have not been moved over to the sales lot and don't sell from this lot. Ms. Patterson commented that they are not all dealership vehicles it will also be used for employee parking as well. Mr. Hall stated that inventory lots are not display lots. Ms. Milkavich commented that customers won't be browsing this lot and looking for cars to buy, it is just storage and no sales will be conducted from here. Ms. Patterson stated in her opinion the lot does serve two purposes and is comfortable with it as it is written in the Staff report. Ms. Patterson stated she understands car business do grow and expand, and strongly encouraged the applicant to

solve some of the problems on Stauffer Lane with this approval. It also benefits the mall because they have an empty lot.

Mr. Hacker added that he feels comfortable with the approval for one year.

Mr. Nay stated his concern with the application is that recently a different applicant had this same issue and the City took action against them and felt like this approval would be a double standard and felt that the City needs to make an ordinance to address this issue. Mr. Nay wondered if it would be a good idea to give approval for this type of use in this type of area for car storage of vehicles and stated there is industrial areas that are better suited for this use. Mr. Nay encouraged Staff to address this policy in the future. Ms. Patterson agreed it would be wise to have a policy about car storage. Ms. Patterson recalled the recent situation with a similar use that Mr. Nay spoke of and felt that situation was a completely different scenario because the it was not appropriately zoned for car storage and did not seek approval before operating, where this company is seeking approval in an allowed zone and is not secretly parking unauthorized cars. The LHM group is seeking approval by following the correct procedure.

Ms. Patterson made a motion to approve a conditional use permit for the proposed temporary use of excess parking spaces for new vehicle inventory storage and employee parking at the property addressed 6191 South State Street. Mr. Markham seconded the motion subject to an amendment to condition number 4 as follows.

1. Precast concrete wheel bumper stops shall be placed at the head of all parking spaces adjacent to landscape areas.
2. Additional drought tolerant plant material shall be installed and maintained in landscape areas to meet the minimum required 50% coverage at the time of planting and shall include the removal and replacement of any dead plant material.
3. The applicants shall obtain a Murray City Business License and abide by all associated regulations therein.
4. The Conditional Use Permit shall be valid from May 2018 through April 2019.

Ms. Patterson conceded to the amendment to condition number 4.

Ms. Milkavich asked if there are LHM cars parked at the site currently. Mr. Nay answered yes. Ms. Milkavich asked if there is a fine or if it would affect the approval tonight. Mr. Hall answered it does not affect the approval tonight, but yes, there may be a fine that applies when LHM applies for a Business License for operating prior to obtaining a business license, this is common, and the fine is 100% of the business license fee. The wording of condition number 4 will not change the fact that they will be penalized for operating without a Business License.

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Phil Markham
 A Lisa Milkavich
 A Sue Wilson
 A Ned Hacker

A Travis Nay

Motion passed 6-0.

OTHER BUSINESS

There was no other business.

The meeting was adjourned at 7:17 p.m.


Jared Hall, Supervisor
Community and Economic Development