

Minutes of the Planning Commission meeting held on Thursday, November 3, 2022, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

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 may submit comments via email at planningcommission@murray.utah.gov.

Present: Jeremy Lowry, Chair
 Jake Pehrson, Vice Chair
 Travis Nay
 Michael Richards
 Maren Patterson
 Lisa Milkavich
 Susan Nixon, Senior Planner
 Jared Hall, Community Development Director
Excused: Ned Hacker

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.

APPROVAL OF MINUTES

Mr. Nay moved to approve the minutes from the October 6, 2022, Planning Commission meeting as written. Seconded by Mr. Richards. A voice vote was made, motion passed 6-0.

CONFLICT OF INTEREST

There were no conflicts of interest identified.

APPROVAL OF FINDINGS OF FACT

Mr. Pehrson motioned to approve the findings of fact for Kimball Development. Seconded by Mr. Richards. A voice vote was made, motion passed 6-0.

TRIANGLE AUTO SALES – 4195 South 500 West, Unit #3

Ms. Nixon presented the application for requesting Conditional Use Permit approval to allow the operation of an auto sales business at the subject property within the M-G Zone. The applicant proposes to operate an auto sales business from unit #3 at the subject property, this is a typical 900 ft² unit within the industrial park. The applicant would like to operate an auto sales business inside the warehouse unit and any auto repair would be conducted at another location. Parking on this property is extremely limited, and City

Staff has expressed concerns about the maintenance of clear access through the property as well as overflow parking from business activity on the site onto 500 West. Unit #3 is an open shop with a very small office area indicated on the plan and a small restroom. Required parking for warehouses and open shops is calculated at a rate of four (4) spaces for every 1,000 square feet of office and one (1) space for every 750 square feet of warehouse space. Based on the floor plan provided by the applicant the proposed use requires one parking space. The parking that is indicated on the site plan shows two (2) exterior parking spaces in front of the unit. Parking code regulations do not allow for parking in front of overhead doors to be considered as a space. Staff has determined that the two spaces are adequate for any customer there may be. The sales vehicles will be inside the unit. On July 19, 2018, the Planning Commission granted conditional use permit approval for Master Scrapers (project #18-86) operating in the adjacent unit #2. At that time one of the conditions of approval was to stripe one ADA parking stall. Upon a site visit on October 25, 2022, it was found that there is no ADA parking stall within a couple hundred feet of units #2 & 3. It is recommended that one ADA stall be provided for the units near #36. The applicant will be required to have their vehicles for sale located entirely within the subject unit. All parking associated with this unit will need to be used for customers. Staff is recommending approval with conditions. Applicant does have sufficient room for ADA stall and should be as close to the entrance as possible.

The applicant was not present to represent this request. The commissioners agreed to proceed with the application even though the applicant was not present. They expressed concern with the applicant not being in attendance. The agenda item was opened for public comment. No public comments were made and the open comment was closed for this item.

A question was asked about the integrity of the parking lot. Ms. Nixon indicated that the parking lot needs repair. It's uneven and broken up, making it difficult for ADA access. The zoning enforcement officer will not sign off on business licenses until conditions are met to add striping to the parking lot. The application applies to the building and unfortunately it is difficult to enforce improving the parking lot when it is private property. That's on the owner to repair. The city has been trying to work with the property owner for years with very little results. The city has tried to entice owners to cooperate by making the process easier for rental applicants if the owners with repave the parking lots. Repaving a couple of spots at a time is not a reasonable request. It was questioned if this motion should be approved without the applicant present to answer questions. It was decided that the questions should be directed at property owner, not the applicant. Mr. Lowry expressed concern that the applicant should still be present.

Ms. Patterson made the motion to approve the conditional use permit of Triangle Auto Sales subject to the following conditions:

1. The project shall meet all applicable Building and Fire Code requirements.
2. The applicant shall obtain Murray City Building Permits for any construction.

3. Storage of for-sale vehicles is only allowed within the walls of the unit. All parking outside the unit shall be used for customers and/or employees.
4. The property owner shall stripe the parking area with a minimum of two (2) parking spaces, including one (1) ADA compliant van accessible space.
5. The applicant shall maintain clear access in front of the building and an adequate fire lane for emergency access to the building at all times.
6. No business-related parking or storage of vehicles is allowed along 500 West.
7. The applicant shall obtain a Murray City Business License for operations at this location.
8. Any signage will require a building permit and to meet sign code regulations per Section 17.48.
9. The fire lane "no parking" sign should be repainted or replaced.

Seconded by Mr. Nay. Roll Call Vote:

<u>A</u>	Milkavich
<u>A</u>	Pehrson
<u>A</u>	Nay
<u>A</u>	Patterson
<u>A</u>	Richards
<u>N</u>	Lowry

Motion passed 5-1

GOLD STAR AUTO SALES – 4195 South 500 West, Unit #36

Ms. Nixon presented the application for requesting Conditional Use Permit approval to allow the operation of an auto sales business at the subject property within the M-G Zone. The applicant proposes to operate an auto sales business from unit #36 at the subject property, this is a typical 900 ft² unit within the industrial park. The applicant would like to operate an auto sales and auto repair business inside the warehouse unit. Parking on this property is extremely limited, and City Staff has expressed concerns about the maintenance of clear access through the property as well as overflow parking from business activity on the site onto 500 West. Unit #36 is an open shop with a very small office area indicated on the plan and a small restroom. Required parking for warehouses and open shops is calculated at a rate of four (4) spaces for every 1,000 square feet of office and one (1) space for every 750 square feet of warehouse space. Based on the floor plan provided by the applicant the proposed use requires one parking space. The parking that is indicated on the site plan shows two (2) exterior parking spaces in front of the unit. Parking code regulations do not allow for parking in front of overhead doors to be considered as a space. Staff has determined that the two spaces are adequate for any customer there may be. The sales vehicles will be inside the unit. The applicant will be required to have their vehicles for sale located entirely within the subject unit. All parking associated with this unit will need to be used for customers. Staff is recommending approval with conditions.

Again, same concerns regarding the nature of the parking lot for this property as indicated above for Triangle Auto Services.

Mr. Richards made the motion to approve the conditional use permit of Gold Star Auto Sales subject to the following conditions:

1. The project shall meet all applicable Building and Fire Code requirements.
2. The applicant shall obtain Murray City Building Permits for any construction.
3. Storage of for-sale vehicles is only allowed within the walls of the unit. All parking outside the unit shall be used for customers and/or employees.
4. The applicant shall maintain clear access in front of the building and an adequate fire lane for emergency access to the building at all times.
5. No business-related parking or storage of vehicles is allowed along 500 West.
6. The applicant shall obtain a Murray City Business License for operations at this location.
7. Any signage will require a building permit and to meet sign code regulations per Section 17.48.
8. The fire lane "no parking" sign should be repainted or replaced.

Seconded by Mr. Pehrson. Roll Call Vote:

<u>A</u>	Milkavich
<u>A</u>	Pehrson
<u>A</u>	Nay
<u>A</u>	Patterson
<u>A</u>	Richards
<u>N</u>	Lowry

Motion passed 5-1

STAFF TRAINING

Annual training was conducted regarding The Open and Public Meetings Act by Briant Farnsworth with the legal department.

DISCUSSION ITEM

Discussion on Section 17.56 related to the planning commission authorizing community development staff to administratively review conditional use permit applications, led by Susan Nixon. Section 17.56.03 states: "Planning commission may authorize members of community development department to grant or deny conditional use permits". the planning staff would like input from the commissioners. Chair Lowry commented that they would not hold a public hearing if staff reviews the CUP's. He commented that it could

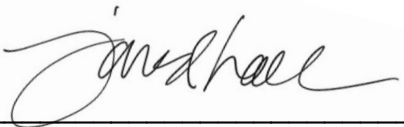
be viewed as not being as transparent, but could streamline longer meetings on redundant items.

Commissioner Patterson was stated that she cannot remember if the commission has ever denied applications and on occasion they have added conditions to help mitigate impacts. She stated that she is comfortable that the planning staff can do the same and add conditions if necessary to help mitigate impacts. Lisa Milkavich felt it is important to allow the opportunity for public input. Chair Lowry stated that it is an important part of participating in a republic for conditional use permits and the public to engage in this process. It was discussed that often the commission doesn't add meaningful input and that staff could handle these items. Benefits are that the meetings would be streamlined and save staff time, potentially hours, per applications. One negative is some staff could potentially not engage adequately in doing the leg work needed. The discussion continued at length as to the pros and cons of conditional use permits being administered by community development staff. One take-away is the larger concern for the operation of small car sales businesses throughout the valley and the need to improve the ordinances that regulate them. More research would need to be done to determine the failure rate of these businesses, as well as the impact they have on the community. Also, another take-away is what is the benefit of changing the process of conditional use permits. There needs to be a tangible benefit and more data needs to be gathered.

OTHER BUSINESS

There was no other business.

Commissioner Richards moved to adjourn the meeting at 8:15 p.m. A voice vote was made, vote was unanimous.



Jared Hall, Community & Economic Development Director