

Minutes of the Planning Commission meeting held on Thursday, January 5, 2023, 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: Jake Pehrson, Vice Chair
Travis Nay
Ned Hacker
Michael Richards
Maren Patterson
Jared Hall, Community Development Director
Susan Nixon, Senior Planner
Zac Smallwood, Senior Planner
Mustafa Al Janabi, Planner 1

Excused: Jeremy Lowry, Chair
Lisa Milkavich

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 November 17, 2022, Planning Commission meeting as published. Seconded by Mr. Hacker. A voice vote was made, motion passed 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest identified.

APPROVAL OF FINDINGS OF FACT

There were no findings of facts for this meeting.

BMW of MURRAY/Young Electric Sign Company – 4615 South State Street - Project #22-165

Ms. Nixon presented the application for Conditional Use Permit approval to allow the construction of an Electronic Message Center (EMC) sign on the subject property. The applicant would like to refurbish an existing pole sign into an electronic message center. Section 17.48.200.7. states: "Pole signs are only allowed in the Commercial and Manufacturing Zones for parcels or developments that are directly adjacent to or abutting either Interstate 15 or Interstate 215 and must be freeway oriented." The existing pole sign is "legal nonconforming" to the current sign regulations. Section 17.48.090: Nonconforming Signs, states the following: "B. Maintenance: Excluding normal maintenance, repair, or removal, a nonconforming sign shall not be moved, altered (including face and structural changes), or enlarged unless it is brought into complete compliance with the current Sign Code. The following alterations are exempt from this provision: 1. Content changes to a previously approved sign." This provision allows the sign to be modified to an EMC sign provided a Conditional Use Permit approval is granted by the

Planning Commission. Based on the analysis of the Conditional Use Permit application to allow an Electronic Message Center Sign and a survey of the surrounding area, staff concludes the following:

1. The proposed electronic message sign is allowed in the C-D 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 sign is not contrary to the goals and objectives of the Murray City General Plan in this area.

Public notices were sent out and no comments were received. Ms. Nixon stated that staff recommending the approval of this application with conditions.

Ben Olson, representing YESCO, stated he has reviewed the conditions and indicated that he would be able to comply with the conditions.

Public comment was opened. No public comments were made. Public comment was closed.

Mr. Nay indicated that condition number five isn't beneficial. Ms. Patterson agreed. This condition was removed:

Potential additional condition of approval:

5. Two of the three parcels (22-06-353-003 and 22-06-353-001) should be combined to bring the property and use into better conformance. The third parcel (22-06-353-002) is in a different taxing district and cannot be combined with the other two.

Ms. Patterson made the motion to approve the conditional use permit for BMW of MURRAY/Young Electric Sign Company to allow the construction and operation of an Electronic Message Center sign at the property addressed 4615 South State Street, subject to the following conditions:

1. The applicant shall obtain a sign permit from the Murray City Building Division.
2. The sign shall comply with all applicable building and fire code standards.
3. The applicant shall comply with all standards for signs as outlined in Section 17.48, Sign Code, of the Murray City Land Use Ordinance. The EMC may not operate between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day or shall hold static on a single image and shall not cause illuminance in excess of three tenths (0.3) foot-candles over ambient lighting conditions as measured at a point perpendicular to the electronic sign face.
4. The EMC sign may not enlarge or expand in any way as to make the sign cabinet out of compliance with the nonconforming status.

Seconded by Mr. Richards. Roll Call Vote:

<u>A</u>	Pehrson
<u>A</u>	Nay
<u>A</u>	Patterson
<u>A</u>	Hacker
<u>A</u>	Richards

Motion passed 5-0

STUDIO 56 - 170 West Winchester Street - Project #23-004

Ms. Nixon reviewed the request for an amendment to the Conditional Use Permit for Studio 56 to allow a dumpster enclosure within the front setback of the property. Land Use Ordinance Section 17.76.170.F. states "*that no refuse collection areas shall be permitted between the street and the front building line except as allowed by the Planning Commission.*" On April 7, 2022, the Planning Commission granted a Conditional Use Permit for an expansion of the existing dance studio. The applicant is now proposing to amend the CUP to allow a dumpster enclosure to be located in front of the dance studio. The applicant proposes to construct a 9' wide X 12' length dumpster enclosure (72 ft²) in the front of the dance studio parking lot area. The proposed location will eliminate two (2) parking stalls. With the proposed dumpster location reducing 2 stalls, the net total will be 21 parking stalls. Staff has no concerns with this parking. Based on the information presented in this report, application materials submitted and a site review, staff recommends that the Planning Commission APPROVE an Amendment to Conditional Use Permit #22-046 to allow a dumpster enclosure between the street and the front building line for Studio 56 addressed 170 West Winchester Street.

The applicant, Amy Moore, stated she has read the conditions of approval and will comply with the conditions.

Public comment was opened. No comment was made and public comment period was closed.

Mr. Hacker made the motion to grant Studio 56 a conditional use permit at the property address 170 West Winchester Street, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards, including meet the IFC 2018 Fire and Building Codes.
2. The applicant shall obtain a building permit.
3. The applicant must meet all Murray City Power Department requirements and provide required easements for equipment and Power lines.
4. Meet the original conditions of approval for the Conditional Use Permit (#22-046) granted on April 7, 2022.

Seconded by Mr. Nay. Roll Call Vote:

A Pehrson
A Nay
A Patterson
A Hacker
A Richards

Motion passes 5-0

EMANUEL COLLISION CENTER - 4642 South 160 West - Project #23-008

Mr. Smallwood presented the application requesting Conditional Use Permit approval to allow an auto sales business on the subject property. The subject property is in an industrial area on 160

West, a private street. The applicant application states that they occasionally get vehicles that they would like to sell which requires a dealer's license. Because of this, they are required to go through the conditional use permit process. Fifteen (15) 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.

Based on the analysis of the Conditional Use Permit application to allow an auto sales business, 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.

The applicant approached the podium and agreed that they could comply with the conditions.

Public comment was opened and then closed, with no comments.

Ms. Patterson made the motion to grant Emanuel Collision Center a conditional use permit at the property address 4642 South 160 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 project shall comply with all applicable building and fire code standards.
3. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
4. The applicant shall maintain clear, appropriate vehicular access to the overhead doors on the building at all times. The applicant shall maintain a Utah Motor Vehicle Dealer's License.

Seconded from Mr. Hacker. Roll call vote:

A Pehrson
A Nay
A Patterson
A Hacker
A Richards

Motion Passes 5-0

DOGS DELIGHT MOBILE GROOMING - 844 West Cherry Oak Circle- Project #23-003

Mr. Smallwood presented the application requesting approval to have more than one on-site employee for their Major Home Occupation as a mobile dog grooming business. The applicants would like to obtain approval to have more than the one (1) allowed on-site employee. During the Business License Application review it was determined that they anticipate three (3) additional employees that come to the home for a total of four (4). The applicant states that these employees come to the home to obtain supplies, submit timesheets, and pick up paychecks. No dog grooming is being conducted at the home.

The applicant had a Murray City Home Occupation business license until May of 2020, when city code changed to not license home occupations unless the business is a major home occupation or the applicant requests to "opt in" to have a business license.

The applicants state that they would like to have up to a total of four (4) on-site employees. The on-site employees will only come to the home for supply pickup, timesheet turn in, and to receive their paycheck. Any vehicles related to the business will be stored off-site. The applicants have applied for a business license to store their vehicles in a commercial location. Planning Division Staff does not anticipate any significant impact caused by the additional employees as they are only at the dwelling for a short time. The applicant has obtained the required signatures from adjacent neighbors for the Major Home Occupation license, but because they are requesting to have 3 additional employees, it requires Planning Commission approval. Based on the analysis of the application for a Major Home Occupation to allow the addition of three (3), for a total of four (4), on-site employees on the subject property and a survey of the surrounding area, staff concludes the following:

1. The proposed use for a mobile dog grooming business is allowed in as a Home Occupation business in the R-1-8 Zone.
2. With conditions as outlined in the staff report and the applicant's narrative, the proposed additional on-site employees will not significantly impact the surrounding neighbors.
3. With conditions, the proposed use as a Major Home Occupation will not be contrary to the goals and objectives of the Murray City General Plan in this area.

Based on the information presented in this report, application materials submitted and a site review, staff recommends that the Planning Commission approve the request for a Major Home Occupation to allow three (3) additional on-site employees for business from the residential property addressed 844 West Cherry Oak Circle.

Kevin O'Brien, applicant, approached the podium and indicated they could comply with the conditions.

Public comment was open. An email was read from Daniel Schoell and Jill Johnson. They confirmed that they have not been impacted at all by Dog's Delight Grooming and their employees..

Mr. Richards made the motion to grant Dog's Delight Mobile Grooming at conditional use permit at the property address 844 West Cherry Oak Circle, subject to the following conditions:

1. Customers shall not be allowed to come to the property.
2. The four (4) total on-site employees shall only be allowed at the dwelling to pick up supplies, turn in timesheets or receive their paychecks. No grooming, or other business activity shall be allowed.
3. The applicant shall park any business-related vehicle to the rear of the dwelling on the concrete driveway. Parking any business-related vehicles or trailers on the public street is not allowed. No large trucks or equipment allowed on the site other than one work truck, weighing less than 12,000 pounds, and one trailer.
4. All materials shall be located within the dwelling, no accessory structures may be used.
5. The applicant shall comply with all requirements of Fire and Building Codes, and all State and County Health Department requirements.

6. The business shall at all times be conducted in accordance with all applicable requirements of Section 17.24 of the Murray City Land Use Ordinance for Major Home Occupation businesses.
7. The applicant shall provide documentation that storage of the business-related vehicles has been approved by the local municipality.

Mr. Hacker seconded. Roll call vote:

A Pehrson
A Nay
A Patterson
A Hacker
A Richards

THE POINTE @ 53rd OFFICE CONDOMINIUMS - 5217 South State Street - Project #23-005

Mr. Smallwood presented the application requesting preliminary subdivision approval to subdivide Lot 1B of the Pointe @ 53rd Subdivision and create 16 office condos. The proposal is part of an on-going effort to modernize the commercial complex. The intent is to create sixteen (16) new condo units. Twelve (12) of which will be office units that could be sold, four (4) are the ground floor retail units, these could in theory be sold as well, but the applicant has not stated their intention to do so. The CMU Zone does not have a minimum square footage for a commercial use. Each unit ranges between 1700 and 2089 square feet. 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. Public comment was opened and closed, with no comment. Based on the information presented in this report, application materials submitted and a site review, staff recommends that the Planning Commission grant preliminary condominium subdivision approval for the Pointe at 53rd Office Building Condo Conversion on the property located at 5217 South State Street.

The applicant approached the podium and indicated he has read and can comply with the conditions.

Mr. Nay acknowledged there are probably a lot of questions that will need to be answered during the preliminary phase that will need to be answered by building officials. Mr. Pehrson indicated to those present that the commission did have a previous meeting to discuss property division.

Mr. Nay made a motion to grant The Pointe at 53rd Condominiums a preliminary condominium subdivision approval at the property address 5217 South State Street, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
 - a) Must complete and record the Point @ 53rd Amended plat.
 - b) Meet City subdivision and condominium platting 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:
 - a) Review whether individual electrical meters or other changes to metering/service are required by the Power Department.

- b) Meet with Murray City Power to discuss planning any new power service(s) and future equipment placement to the building(s) with additional line extension costs to provide electrical service.
- c) Developer shall meet current NESC code and provide required easement/clearance(s) for equipment and Power lines.
- 5. The project shall meet all requirements of the Murray City Land Use Ordinance, including the Centers Mixed Use and Condominium chapters.
- 6. The applicant shall provide the city with a copy of the shared parking agreement that outlines that the office condominiums have access to approximately ninety-two (92) parking spaces.
- 7. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
- 8. The applicant shall meet all Building Division requirements that arise from the review of the Report of Property Condition.
- 9. 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.

Mr. Hacker seconded. Roll call vote:

A Pehrson
A Nay
A Patterson
A Hacker
A Richards

Agenda Item #9 Land Use Text Amendment - Amending the R-M Multi-Family Zones will has been postponed at this time.

ANNOUNCEMENTS AND QUESTIONS

Mr. Smallwood mentioned that they are having a meeting on the 19th. He said that meeting will include a discussion on the Armory. He reminded the chair that next meeting they will be voting on a new Chair and Vice Chair.

On Monday, January 9th, The Utah League of Cities and Towns is having a training event called, "Your Land, Your Plan" from 9 a.m. to 1 p.m. He mentioned that chair members need four hours of needed training. It will be at the Zions Bank building.

Mr. Hacker moved to adjourn tonight's meeting at 7:09 p.m. Seconded by Mr. Pehrson. A voice vote was made, motion passed 5-0.



Community Development Director