

Minutes of the Planning Commission meeting held on Thursday, July 6, 2017, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Buck Swaney, Chair
Phil Markham, Vice Chair
Travis Nay
Scot Woodbury
Sue Wilson
Lisa Milkavich
Jared Hall, Community & Economic Development Supervisor
Brad McIlrath, Associate Planner
Jim McNulty, Development Services Manager
G. L. Critchfield, Deputy City Attorney
Citizens

Excused: Maren Patterson

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.

Phil Markham and Buck Swaney opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes from the June 15, 2017 Planning Commission meeting. Seconded by Mr. Nay.

A voice vote was made, motion passes 6-0

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for 3P Auto, St. John's Child Development Center, The Other Side Thrift Boutique, Canal Trail, and Envision Graphics. Mr. Nay seconded the motion.

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

NANCY NIELSEN – 1217 east 6290 south - Project #17-86

Nancy Nielsen was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for an Accessory Dwelling Unit for the property addressed 1217 East 6290 South, located in a single-family subdivision. The applicant proposes to create an 820 square foot accessory dwelling unit within her existing basement. The proposed ADU would include two bedrooms, one bathroom, a kitchen, a dining area and a family room. The proposed ADU would have a separate rear entrance and parking provided with a carport located east of the garage. As required by ordinance, the owner of the property must live in either the principal residence or the accessory dwelling as

their primary residence. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval for a Conditional Use Permit for an Accessory Dwelling Unit for the property addressed 1217 East 6290 South subject to conditions.

Nancy Nielsen, 1217 East 6290 South, stated she has reviewed the conditions and will be able to comply. Ms. Nielsen asked why we require a separate thermostat when her house is so small.

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

Mr. McIlrath stated that condition number one in regard to the smoke detector is to mitigate the concerns from the building division. Mr. McIlrath stated that two neighbors who live on Vine Crest called the Community Development Division and expressed concerns about ADUs in general, but understand they are allowed as a Conditional Use.

Mr. Woodbury made a motion to grant Conditional Use Permit approval for an Accessory Dwelling Unit for the property addressed 1217 East 6290 South subject to the following conditions:

1. The project shall comply with the following conditions of the Murray City Plans Examiner:
 - (a) The applicant must obtain building permits for all work;
 - (b) Access must be provided to the electrical subpanel, and HVAC thermostats provided for both areas;
 - (c) Smoke detectors and carbon monoxide detectors must be installed that are hardwired and interconnected such that they sound through the entire house.
2. The project shall comply with all current International Fire Code standards.
3. The Accessory Dwelling Unit shall comply with all development standards outlined in Chapter 17.78 of the Murray Municipal Code.
4. The property owner shall record the Accessory Dwelling Unit – Owner Occupancy Affidavit with the Salt Lake County Recorder's office and provide a copy of the recorded affidavit to the Murray City Community and Economic Development office.
5. The owner shall obtain a Murray City Business License and pay all applicable residential rental license fees.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. McIlrath.

 A Scot Woodbury
 A Lisa Milkavich
 A Travis Nay
 A Sue Wilson
 A Phil Markham
 A Buck Swaney

Motion passed 6-0.

VLADZIN METAL WORX, LLC – 4195 South 500 West # 29 - Project #17-93

Demetry Zinchenko was the applicant present to represent this request. Brad McIlrath reviewed the location and request to allow for a specialized metal products welding shop for the property addressed 4195 South 500 West #29 located in the M-G zone. Located north of the Big Cottonwood Creek this unit is 900 square feet which includes a large warehouse restroom, and office. A total of two parking spaces are required for this use. The two spaces located in front of the unit are faded and need to be restriped to be visible for customers and workers. Parking will not be allowed in front of the overhead door. Vladzin Metal works creates metal gates, railing and any other metal items based on a customer request. Condition number three states the applicant shall obtain a letter from Cottonwood Sewer shall be provided to the Murray City Water and Sewer Division indicating that services are provided for this unit and use, mainly to make them aware a welding business exists near the Cottonwood River. For safety reasons, condition number four states that all welding shall occur inside the unit as to avoid any detrimental impacts to adjacent shop users or customers of businesses in the area. Condition number five states the applicant shall restripe the front parking spaces. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval for a Conditional Use Permit to allow fabricated metal products welding business for the property addressed 4195 South 500 West, #29 subject to conditions.

Demetry Zinchenko, 1561 East Meadowmoore Road, stated he has reviewed the conditions and will be able to comply.

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

Ms. Milkavich made a motion to approve the Conditional Use Permit allowing the fabricated metal products welding business for the property addressed 4195 South 500 West, #29, subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicant shall work with the Murray City Building Division to make sure the existing restroom meets code requirements. Permits shall be obtained for all new work.
2. The project shall meet all current fire codes including potential changes of the unit.
3. An approval letter from Cottonwood Improvement District shall be provided to the Murray City Water and Sewer Division indicating that services are provided for this unit and use.
4. All welding shall occur inside the unit as to avoid any detrimental impacts to adjacent shop users or customers of businesses in the area.
5. A minimum of two parking spaces shall be provided for this use. The spaces located in front of the unit shall be restriped in order to be clearly visible for customers and workers of the business.
6. The applicant shall obtain a Murray City Business License prior to commencement of business at this location.

Seconded by Ms. Wilson

Call vote recorded by Mr. McIlrath.

 A Lisa Milkavich
 A Sue Wilson
 A Scot Woodbury
 A Travis Nay
 A Phil Markham
 A Buck Swaney

Motion passed 6-0.

THE OTHER SIDE THRIFT BOUTIQUE – 4290 South State Street - Project #17-96

Steve Strong was the applicant present to represent this request. Brad McIlrath reviewed the location and request for an Electronic Message Center sign for the property addressed 4290 South State Street in the C-D zone. The applicants propose to install a 36 square foot electronic message center sign below a 160 square foot static message sign. The total square footage of the two signs would be 196 square feet which is less than the maximum sign area allowed for this property. Electronic message centers have specific zoning standards to regulate lighting, hours of operation and the length of messages displayed, therefore staff has suggested conditions as listed.

Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the electronic message center sign at the property addressed 4290 South State Street subject to conditions.

Steve Strong, 4290 South State Street, stated he has reviewed the conditions and will be able to comply.

Mr. Nay stated he appreciated the improvements to the landscaping. Mr. Markham agreed with Mr. Nay regarding the suggested improvements from staff on the previous CUP.

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

Mr. Woodbury made a motion to approve the proposed electronic message center at the property addressed 4290 South State Street subject to the following conditions:

1. The project shall meet all applicable building code standards. The applicants shall obtain a Murray City Building permit for the installation of the electronic message center on the existing sign structure.
2. The project shall meet all current fire codes.
3. The project shall comply with applicable Water & Sewer Division requirements.
4. The proposed Electronic Message Center shall comply with all applicable sign ordinance standards, including the following:

- (a) The lamp size shall not exceed fifty four (54) watts of incandescent lighting for daytime usage;
- (b) An automatic dimmer shall be installed to reduce the nighttime wattage to thirty (30) watts;
- (c) The EMC shall not flash or scintillate, except to change the displayed wording to different wording;
- (d) Any display shall remain lighted for a minimum of two (2) seconds;
- (e) Because the EMC is located within five hundred feet (500) of a residential area to the west, the EMC portion of the sign shall 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.

Seconded by Mr. Nay.

Call vote recorded by Mr. McIlrath.

 A Scot Woodbury
 A Travis Nay
 A Lisa Milkavich
 A Sue Wilson
 A Phil Markham
 A Buck Swaney

Motion passed 6-0.

STAUFFER SUBDIVISION AMENDED – 5750 South 70 West – Project #17-83

Wayne and Sherry Bleazard were the applicants present to represent this request. Jared Hall reviewed the location and request for a Subdivision Amendment for the property addressed 70 West 5750 South in the R-1-8 zone. No changes to the zoning are proposed. This proposal is to split Lot Five into two lots. Proposed Lot 5A will retain 8,500 square feet, exceeding the lot area requirements of the zone. Proposed Lot 5B (flag lot) will contain 22,172 square feet and exceeds that requirement as well. The existing home on the property will remain on Lot 5A. A new home could be constructed on Lot 5B as a flag lot. Lot 5A will be accessed from 5750 South as it has in the past. Lot 5B will have access to Stauffer Lane. Flag lot requirements will apply to Lot 5B. The flag lot will consist of a twenty (20) foot hard surfaced driveway with 4 feet of landscaping on both sides for a total of 28 feet. The extension to Stauffer Lane is not considered the front yard and additional setbacks will be required here. Mr. Hall mentioned the public comment letter submitted to staff by the property owner of Lot Four of the subdivision. Many of the concerns were related to possible future development of the lot. The applicant mentioned the possibility of constructing a home for their children on the new lot. The city currently does not have any applications for future developments on this property. The concern today is to create a lot that could accommodate a home with the required setbacks. The utility providers have looked at this plat and have granted preliminary approval, they will look at a final plat as well. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission forward a recommendation of Approval for the proposed subdivision amendment of the property addressed 70 West 5750 South to the Mayor subject to conditions.

Ms. Wilson asked if the proposed flag lot could be sub-divided again. Mr. Hall replied that it could not because the ordinance states a single piece of property can be used to create only one flag lot. Mr. Hall further stated, flag lots may only have one single family dwelling and the

zoning for lot 5A, which is R-1-8, only allows for a single family dwelling.

Mr. Markham asked Mr. Hall to address the questions from the letter that was received from Brent White, 51 West Stauffer Lane. Mr. Hall addressed the question regarding utilities running under lots three and four indicating that he is not aware of the utilities that are currently there but did seek information from the Sewer and Water Division, but had not yet gotten a response. Mr. Hall stated if any new utilities do come to the property they will come down one of the easements. The utilities will be reviewed by the city when an application and site plan are submitted.

There was a question about why the proposed lot line is placed below the other lot lines and why is the proposed property indented. Mr. Hall stated the proposed lot line is not in line with the lot lines of the other properties in order to create more area to give room for proper setbacks. There was a question about where the foundations would be placed for the new home, what direction would the new home face, how high the home will be, what the offset requirement from the property lines are and what are the plans for the historic pine tree. Mr. Hall answered that he does not know the answers because a home plan has not been submitted yet, but the plan would have to meet all the zoning and setback requirements. There is a pine tree on the property, which could be kept or taken out. The ordinance does not have any specific requirements that the tree be kept and there is not a historic tree committee of any type.

Mr. Nay asked what the small sliver of land is on the GIS. Mr. Hall answered it is an artifact of the previous subdivision and will be combined into Lot 5A.

Mr. Nay asked if the existing shed on lot 5A would end up on the new flag lot, and would it need to come down. Mr. Hall stated it is likely the home would be built in the same area as the shed, and if indeed it was built there, the shed would need to be removed. Mr. Nay asked if there is any foreseeable plan that a house could be built on the property that would allow the shed to remain. Mr. Hall answered it would depend on the size of the home as a very small home might leave enough room for both. If the home were to front onto Stauffer Lane, the shed would need to be removed.

Wayne and Sherry Bleazard, residents at 6422 Golden Chain Drive. Mr. Bleazard stated they have reviewed the conditions and will be able to comply. Ms. Bleazard stated the sewer and power line were installed when Lot Three and Four were put in. The future water line will have to come down Stauffer Lane. The only intent for the flag lot is to sell the house to his granddaughter and he does not foresee building a house on the property in his lifetime.

The meeting was opened for public comment.

Samantha Mattingly, 66 West Stauffer Lane, asked if Stauffer Lane would need to be torn up to install the water line. Ms. Mattingly stated although there are no plans for a house now, the subdividing could allow a future house to be built and has privacy concerns for the current homes.

Brent White, 51 West Stauffer Lane, which is Lot Four. Mr. White asked if a future home is allowed to be built, could the Planning Commission add a condition to allow only a one-story home.

Alan Scholes, 71 West Stauffer Lane, which is Lot Two. Mr. Scholes agreed with the

suggestion that only a single-story home be allowed because they purchased the property for the privacy.

Adam Grobber, 63 West Stauffer Lane, Lot Three, stated he lives on a flag lot and the possible future home would be elevated above his property. If a future home could be built at a height of thirty-five feet would it be based on the flag lot or the lots around it. He asked how he would be notified if a future home were to be built and could utilities be run through his property to feed the new lot. Mr. Grobber is concerned about the traffic on Stauffer Lane.

The public comment portion was closed.

Mr. Hall addressed the citizen concerns, and stated Stauffer Lane would need to be torn up to add a water line which is estimated to take a day or so. The future house and privacy is not easy to address as the city does not have a plan yet. The height for a home would be measured from the grade the house is being built, not the properties around it.

Mr. McNulty stated the zone allows a height of 35 feet and would give the property owner the same development right as any other developer in that zone. The property owner could agree to limit the height if they wished.

Mr. Hall stated there are no notifications for building a new home. A building permit application would need to be submitted. Mr. Hall stated that public utilities running through lots is not typical but also not uncommon. The utility lines typically run through a public utilities easement and it cannot be determined if they will use the easement until the plan for the future house is submitted.

Mr. Markham stated he has exactly the same situation on the property behind his house. The electrical was bored through a street to the back property. Mr. Markham stated he shared similar concerns that the residents have shared tonight and realized the way to keep the development from happen would to be to purchase the lot if he wanted to control the use.

Ms. Milkavich stated she agreed with Commissioner Markham as she too has a property near her that is vacant and enjoys the privacy. Ms. Milkavich stated she does not own it and realizes the property owners can do what they want with it as long as it fits the code and she does not have to be notified of what they are doing on the property.

Mr. Swaney stated he dislikes flag lots but the city does have a code that allows them and that flag lots may continue to be developed as long as the owner is able to meet the conditions of the code.

Mr. Nay explained that the notion if an applicant meets the conditions of approval then it must approved has more to the process, each application goes through a comprehensive review which does take public input into consideration. Mr. Nay stated the citizens are taking the correct action by coming out to the meeting tonight to express their concerns.

Mr. Swaney added that Planning Commission does not approve the applications, rather forward a recommendation of approval to the Mayor for final approval. Mr. Hall stated the only public meeting is tonight's meeting, the Mayor approves the Final Plat.

Mr. Markham stated tonight's action is only the recommendation of the proposed subdivision amendment, but it will ultimately result in a flag lot being created.

Mr. Woodbury commented it is important to note that the meeting is really about the subdivision, as the applicant stated he has no future plans to build a home. Mr. Woodbury suggested it is always a good idea to get to know your neighbors and have a good relationship with them and keep an open line of communication with them to help mitigate possible issues like these.

Mr. Swaney informed all that if the public were interested in changing the process, it is done through a legislative process by engaging the Mayor and City Council to have the laws changed.

Mr. Markham made a motion to forward a recommendation of approval for the proposed subdivision amendment of the property addressed 70 West 5750 South to the Mayor subject to the following conditions:

1. The applicant shall meet all Murray City Subdivision requirements.
2. The Final Plat shall provide standard Public Utility Easements on Lot 5A and Lot 5B.
3. The applicant shall prepare a final plat and provide a PDF copy to the City Engineering Division for review and preparation for recording with Salt Lake County.
4. The Final Plat shall adhere to the requirements of Section 17.76.140 of the Murray City Land Use Ordinance as outlined in the staff report, and the applicant shall provide the access improvements required for Lot 5B upon development.
5. The applicant shall meet all applicable building and fire code requirements upon development of Lot 5B.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Mcilrath

 A Scot Woodbury
 A Lisa Milkavich
 A Sue Wilson
 A Travis Nay
 A Phil Markham
 A Buck Swaney

Motion passed 6-0

TITLE 16, SUBDIVISIONS – Section 16.12.020.H - Setback requirements for easements –
Project #17-83 – Public Hearing

Mr. McNulty presented the Text Amendments for Section 16.12.120.H, setback requirements for easements. Mr. McNulty stated the discussion items are in regard to Title 16 and 17, public easement requirements. Title 16 and Title 17 are in conflict with each other. Currently Title 16 requires public utilities easements on all four sides of the lot, this would remain the same. The requirement is standard for every subdivision and every lot size in the City. The required setbacks do not take into consideration that it may create issues on smaller lots such as the R-1-6.

Title 16 requires a seven and one-half (7.5') foot public utility easement on the side lot line but the R-1-6 and R-1-8 zones in title 17 allows for a five (5) foot side yard setback, creating the conflict. The proposal is for the R-1-6 and R-1-8 zone is reduce the utility easement requirements of Title 16 to match the five (5) foot side yard setbacks in Title 17. The R-1-10 and R-1-12 would not change as the lot size can accommodate it.

An R-1-6 lot with the current set back requirements would leave a buildable area of fifty (50) feet by fifty (50) feet for a total of two thousand seven hundred and fifty square (2,750) feet for structures, very small. An R-1-8 lot with the current set back requirements would leave a buildable area of fifty (50) feet by sixty (60) feet for a total of three thousand (3,000) square feet for structures, very small.

The Public Works Department and the City Engineer are in favor of this proposal. Staff presented the proposed language for the change. Mr. McNulty read excerpts from the proposed text.

Mr. Swaney stated from his experience as a planner this is an obvious, easy clean up and does not have any issues with the text changes.

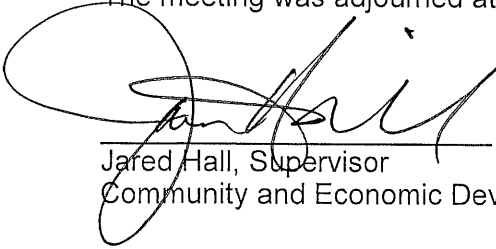
Mr. Markham stated this proposal makes sense and would agree to the changes as long as the Public Works staff is also alright with it.

Mr. Nay asked if this proposed change would impact PUD's. Mr. McNulty answered this would not as it is for standard R-1-6 and R-1-8 zones, and PUD's are different.

OTHER BUSINESS

Mr. McNulty stated the next meeting is on July 20, 2017 and asked if anybody will be gone. The meeting dates in August are on the 3rd and 17th. If we do not have any applications for these dates we will cancel the meetings. The Planning Commission training is scheduled for August 24th from 6 p.m. to 8 p.m. Dinner will be served. Staff, and Mr. Critchfield will be invited as well.

The meeting was adjourned at 7:38 p.m.



Jared Hall, Supervisor
Community and Economic Development