

Minutes of the Planning Commission meeting held on Thursday, October 19, 2017, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Vice Chair  
Scot Woodbury  
Maren Patterson  
Travis Nay  
Scot Woodbury  
Sue Wilson  
Lisa Milkavich  
Jared Hall, Community & Economic Development Supervisor  
Jim McNulty, Development Services Manager  
Brad McIlrath, Assistant Planner  
Briant Farnsworth, Senior City Attorney  
Citizens

Excused: Buck Swaney, 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 is available at the Murray City Community and Economic Development Division Office.

Phil Markham 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 October 5, 2017 Planning Commission meeting. Seconded by Ms. Milkavich.

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

#### CONFLICT OF INTEREST

There were no conflicts of interest.

#### APPROVAL OF FINDINGS OF FACT

Mr. Woodbury made a motion to approve Findings of Fact for Troy Veteto and Washing Federal Bank. Mr. Nay seconded the motion.

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

#### EPIC TRAINING CENTER – 4284 South Commerce Drive - Project #17-142

Bill Gaskill was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit to operate an indoor sports and training facility at the property addressed 4284 South Commerce Drive located in the M-G zone. Murray City requires any type of gym or indoor training facility to have CUP approval by the Planning Commission. The applicant is proposing to use only one of the three buildings located on the property. This building was previously used for special events and soccer training. The square footage of the building is 18,000 square feet, which is mostly open space. The facility has one large field and two smaller fields and could possibly allow up to four teams at once. The applicant has a schedule for hours of operation. During the

weekdays, they would operate from about 4:00 p.m. to 10:00 p.m. for training and limited league play. Saturdays from 7:00 a.m. to 6:00 p.m. would host league time. During non-league hours, the business would operate with one to two employees and additional five employees for during league hours. The business is proposing to construct a lobby/reception area in the front and three additional offices. A detached restroom is located on the exterior of the building with a ramp for access. For a long time, this property has been vacant, as a result there is an overgrowth of weeds, vegetation, vandalism, small fires, trash dumping, and transient trespassers some of which have required police response. The second building located in the center of the property is dilapidated and the third building to the north is also in poorly deteriorated condition. The asphalt has deteriorated in pocket areas and would need to be resurfaced. The surrounding area and additional buildings are very unsafe. Staff and City officials have safety concerns with allowing this business to operate in the same area. Staff does feel there would be enough parking for the facility, once stripped. The building does not have multiple egress points. The applicant would need to work with the fire department to determine occupancy load. The transformer near the center of the property has been vandalized and is damaged, therefore the Murray Power Department has requested that the existing electrical service will need to be replaced. 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 indoor sports and training facility at the property addressed 4284 South Commerce Drive, subject to conditions.

Bill Gaskill, 358 South Rio Grande Street, stated he has reviewed the conditions and will be able to comply. Mr. Gaskill stated he has spent time with Staff going through all the conditions thoroughly. Mr. Gaskill feels that given reasonable expectations for repair of the asphalt pavement and site lighting he thinks he can work through all the expectations. Mr. Markham stated there will be conditions applied in conjunction with the Conditional Use Permit, and if they are not completely met, the project will not go forward. Mr. Gaskill stated he understood. Mr. Gaskill further stated the soccer building is in great shape, the inside has not been touched. The owners have been cleaning up the site and they are exploring some of the costs together to see if it will work. Mr. Gaskill stated that both he and the property owners wish to develop the site and asked that the Planning Commission go easy on them now as they will be working on future changes that may be effected by the tonight's conditions.

Ms. Milkavich asked Mr. Gaskill what they are planning by redeveloping the site. Mr. Gaskill responded that they will redevelop everything except the soccer building, ultimately it may include the soccer building but until that time it is useable as is. Mr. Markham stated that it is important to understand that the conditions that will be attached tonight will be enforced by Staff and that the Planning Commission is unable to go easy on any of the conditions, they will be expected to be fulfilled. Mr. Woodbury added that Staff is wonderful to work with and any conditions that need to be clarified can be done with them, but from the Commissions stand point, they have to make sure they are met. Mr. Markham stated he would love nothing better than to have this development go through to help beautify Murray City, but nothing will be allowed to go forward only partially finished. Ms. Wilson stated she feels the parking requirement is reasonable because the clientele should have safe access to the building. Ms. Patterson commended the applicant because they are taking on a huge project just to be able to use this building.

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

Mr. Woodbury made a motion to grant Conditional Use Permit approval of the proposed indoor sports and training facility located at 4284 South Commerce Drive, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. Completed architectural stamped plans shall be submitted for building modifications and construction. ADA improvements shall be provided for up to 20% of the construction costs.
3. The project shall meet all current fire codes. A fire sprinkler system and monitored alarm system are required.
4. The applicant shall work with the Fire Department to determine the maximum occupant load for the building.
5. The project shall comply with all Murray City Water and Sewer Division requirements.
6. The project shall comply with all Murray City Power Department requirements and the existing electrical service will need to be replaced to address the problems with the overall site electrical system on the property.
7. The project shall comply with the following Murray City Engineering requirements:
  - (a) All site drainage shall be maintained on site. A grading and drainage plan shall be provided if the existing parking lot is modified or expanded;
  - (b) If site improvements exceed \$5,000 in value, any damaged curb, gutter or sidewalk along Commerce Drive shall be repaired or replaced.
8. A formal landscaping and irrigation plan meeting the requirements of Chapter 17.68 of the Murray City Land Use Ordinance upon building permit submittal. The plan shall be prepared by Utah licensed landscape architect. All weeds and overgrown plants shall be removed and/or pruned along with the removal of all on-site solid waste. The plan shall include the following improvements for the front setback landscaping along Commerce Drive:
  - (a) Eleven (11) trees;
  - (b) Eighteen (18) 5-gallon shrubs; and
  - (c) Thirty-seven (37) 1-gallon shrubs;
  - (d) The front setback landscaping and park strip areas shall also include a minimum 50% ground cover at time of planting.

\*Note: Existing living trees located within the front setback area may count toward meeting the minimum tree requirement for front setback landscaping.
9. To promote the health, safety, and general welfare of this area and the community, all buildings (center and north buildings) not used as part of the proposed use shall be demolished and the site cleaned up prior to the occupancy and issuance of a business license for the use of the northwest building as an indoor sports and training facility.
10. All parking lot and access areas shall be resurfaced or repaved to remove weeds and

potholes. The parking lot shall be restriped to provide a minimum of 80 parking spaced and a minimum of four (4) ADA parking spaces with one striped for van accessibility. The ADA spaces will need to be located near the entrance/exit of the building.

11. The middle one-way access shall be repaved or demolished to provide additional front setback landscaping.
12. Site and parking lot lighting shall be installed to provide sufficient visibility and safety for patrons of the training facility.
13. A sign permit shall be obtained for any attached or detached signage.
14. A business license shall be obtained by the operator of the business prior to the commencement of business operations at this location.

Seconded by Mr. Patterson.

Call vote recorded by Mr. McIlrath.

   A Scot Woodbury  
   A Maren Patterson  
   A Sue Wilson  
   A Lisa Milkavich  
   A Travis Nay  
   A Phil Markham

Motion passed 6-0.

**BIG DOG PAWN & JEWELRY – 6610 South State Street - Project #17-145**

Monte McKee was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow a Pawn Shop on the property addressed 6610 South State Street in the C-D zone. The applicant proposes to relocate their business to a 2,520-square foot commercial space, only about 810 square feet of the unit will be used for retail, most of the space will be used for the storage of pawned merchandise. This brings the parking need down which has been calculated at seven units. The parking complex is well suited and does not require any additional parking requirements. Big Dog Pawn is currently licensed in Murray and has been a good business in our City, they will be required to obtain a business license for this new location. The property adjacent to State Street is landscaped and includes many shrubs and grass, but lacks trees. Staff is recommending the applicant work with Staff and the property owner to provide six trees. Based on the information presented in this report, application materials submitted and the site review, Staff recommends approval of a Conditional Use Permit to allow a Pawn Shop on the property addressed 6610 South State Street subject to conditions.

Mr. McKee, 13932 South Emmeline Drive, Herriman, stated he has reviewed the conditions and will be able to comply. Mr. McKee added that he is the President of Big Dog Pawn in Murray. He indicated that he, his wife, daughter and grand-daughters run the business. Mr. McKee stated he was previously located in the old Huetter Mill building on State Street for the past 6 years, and installed landscaping which made it a marketable location, and now has 30 days to vacate the building.

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

Mr. Nay made a motion to approve a Conditional Use Permit to allow a Pawn Shop on the property addressed 6610 South State Street subject to the following conditions:

1. Proposed modifications to the building shall meet all Building Code requirements, including ADA accessibility standards.
2. The project shall meet all current Fire Codes.
3. The applicants shall work with Community Development Staff and the property owners to provide additional landscaping materials along the State Street frontage to meet the requirements of Section 17.68 of the Murray City Land Use Ordinance.
4. The applicant shall obtain appropriate Murray City permits for changes to signage on the property.
5. The applicant shall obtain a Murray City Business License prior to beginning operations on this site.

Seconded by Ms. Wilson.

Call vote recorded by Mr. McIlrath.

  A   Travis Nay  
  A   Sue Wilson  
  A   Scot Woodbury  
  A   Maren Patterson  
  A   Lisa Milkavich  
  A   Phil Markham

Motion passed 6-0.

KAREN NEWMAN –1282 East Quail Grove Circle - Project #17-146

Robert Smith was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit to construct an accessory dwelling unit in the basement of her home at the property addressed 1282 East Quail Grove Circle in the R-1-8 zone. Mr. McIlrath stated ADU's are allowed in any Single-Family zoning district within Murray City with Planning Commission subject to Conditional Use Permit approval. The applicant proposes to remove a basement window and replace it with stairs and door. The interior of the house will have several walls added to create a bedroom, bathroom, pantry and kitchen. The house has a zoned furnace and can control several areas of the house by a master control unit. The Murray Land Use Ordinance outlines standards for ADU'S and requires them to be less than 40 percent of the square footage of the primary residence, cannot contain more than two bedrooms, may not be more than 1,000 square feet, may not have separate utility meters or separate addresses. The intent of the standard is to insure the ADU remains secondary to the Primary Residence. The proposed residence is 941 square feet. The property owner must record an Owner Occupancy Affidavit with the Salt Lake County Recorder's Office. The Affidavit requires the property owner to live in one of the units. Two additional off street parking spaces must be provided and no fewer than four total

spaces. Based on the information presented in this report, application materials submitted and the site review, staff recommends conditional use permit approval to construct an accessory dwelling unit in the basement of her home at the property addressed 1282 East Quail Grove Circle subject to conditions.

Mr. Markham asked what the process is if this is approved with the conditions and the City gets complaints that there are cars parked on the road on a regular basis. Mr. McIlrath answered that it would first go through Murray Zoning Enforcement, and the City tries to get compliance by working with people first, if we are unable to get compliance the worst-case scenario is to revoke the Conditional Use Permit.

Mr. Woodbury asked what happens if the property were to ever be sold or owners change. Mr. McIlrath answered, because the Owner Affidavit is recorded with the property any title search would show an ADU in existence and the new owner would see this affidavit. The new owner would have to also sign and authorize the same form requiring them to live in either unit as their primary residence. If they don't sign the affidavit then they would need to record a different document called a Second Kitchen Covenant, which states they have a second kitchen the house, but don't intend to use it for an ADU.

Robert Smith, 7226 South 2930 East, stated he is representing the property owner for this application. He stated he has reviewed the conditions and they will be able to comply. Mr. Smith stated that he would move the fence back to get the second car to fit into the driveway.

The meeting was opened for public comment.

Richard Quist, 6004 South 1300 East, asked if the primary resident of the property wants to rent an ADU to people other than family members, must they obtain a business license. Mr. Markham answered yes, they must have a business license. Mr. Quist asked for example, if the primary resident wanted to move grandma into the ADU do they need a business license. Mr. Markham stated no, they do not need a business license. Mr. Quist asked if these rules also apply to any new future owners. Mr. Markham answered yes, they apply to all future owners. Mr. Quist further asked if the ADU is going to be built in an existing basement or will there be new excavation outside the perimeter of the house. Mr. Markham stated staff will address this question.

The public comment portion was closed.

Mr. McIlrath stated the ADU will be built inside the existing unfinished basement, any type of excavation happening here will be the addition of the outside stairway access into the basement.

Mr. Woodbury made a motion to approve a Conditional Use Permit to construct an accessory dwelling unit in the basement of the property addressed 1282 East Quail Grove Circle subject to the following conditions:

1. The project shall meet all applicable building code standards. A building permit shall be obtained for the basement finish prior to construction.
2. Smoke detectors and carbon monoxide detectors shall be installed, if not already in place, to be interconnected.

3. A two zone furnace is required for the use of the primary residence and the accessory dwelling unit.
4. The project shall meet all current fire codes.
5. Sufficient parking shall be provided for the primary residence and the accessory dwelling unit. If the garage is not used for vehicular parking then the driveway will need to be extended to provide additional area for vehicle parking of the accessory dwelling unit.
6. The stairway to the accessory dwelling unit shall not project more than two and one half (2 ½) feet into the minimum side yard setback.
7. The Accessory Dwelling Unit shall comply with all development standards outlined in Chapter 17.78 of the Murray Municipal Code.
8. 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.
9. If the owner intends to rent the accessory dwelling unit, then a Murray City Business License shall be obtained prior to the commencement of the rental activity.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. McIlrath.

  A   Scot Woodbury  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Sue Wilson  
  A   Maren Patterson  
  A   Phil Markham

Motion passed 6-0.

HALLIDAY VIEW SUBDIVISION – 1291 West Bullion Street - Project #17-143

George Halliday was the applicant present to represent this request. Jared Hall reviewed the location and request for approval of a Flag Lot Subdivision of the property addressed 1291 West Bullion Street in the R-1-10 zone. This property was recently rezoned from A-1 to the R-1-10 zone. The property has just over 73 feet of frontage on Bullion Street, it is very narrow and the bulk of the property is located in the rear . The access to the Flag Lot would be provided by an easement that connects to Bullion Street. To be considered as a flag lot, both lots must be larger than 10,000 square feet. Proposed Lot 1 is 29,906 square feet and Proposed Lot 2 is 16,627 square feet, both lots exceed the requirements of Section 17.76.140. One requirement of this approval is that the back lot will be allowed to have a driveway off Bullion Street and will be served off the easement to the south of the property. This is a preliminary and final subdivision recommendation, it will be forwarded to the Mayor for his final approval. If this application is approved tonight there will be more work involved by engineering and planning staff to clean up the subdivision plat and insure conditions are met, engineering standards are applied and everything is correct before we take it to the Mayor for final approval. Based on the information presented in this report, application

materials submitted and the site review, staff recommends approval of the Flag Lot Subdivision of the property addressed 1291 West Bullion Street subject to conditions.

Mr. Markham asked when the plat goes back to city staff and engineering, will they determine what improvements need to be made on Bullion Street. Mr. Hall stated that is correct, if improvements can be made and lined up with future improvements on Bullion Street effectively, they will be required as well.

George Halliday, 1356 Wood Haven Circle, Taylorsville, stated he has reviewed the conditions and will be able to comply. Mr. Halliday stated he hired Benchmark Engineering and they have already submitted some of tonight's blue prints and he is prepared to take the blue prints back to them to if anything needs to be updated or fixed.

The meeting was opened for public comment.

Kent Bodily, 5825 South 1290 West, stated the access road will be nearest to his private drive. Mr. Bodily asked how close the new access road onto Bullion will be to his private drive and how much of the dense foliage will be cut back. Mr. Markham stated that Staff and the Applicant can address these questions.

The public comment portion was closed.

Mr. Hall stated that the Engineering Division will address visibility concerns. Mr. Hall further stated that the driveway entrance will be place as far to the south side as allowed to keep it away from the private access that is already there. The access will be 20 feet wide and leave about 40 feet of distance between, which is typically further than residential driveway distances.

Mr. Markham asked what is the distance that would separate the Flag Lot access from Mr. Bodily's property line. Mr. Hall stated that the City requires 5 feet separation. Mr. Markham asked how the neighbors could find out what type of conditions that the Engineering Division will require if they have any concerns. Mr. Hall stated that we are always open to questions and they could contact us with any concerns.

Mr. Nay stated he is concerned that Engineering may require curb and gutter improvements on Bullion Street and it may impede the access to the easement as the photos show they may be cutting corners a little to get sufficient clearance. Mr. Woodbury stated the City has other developments in the area that are going to happen and it is possible that the improvements may be bonded and deferred until the other development is ready so the City can match them up. It has not been decided by Engineering as of yet.

Ms. Wilson asked why there is not a shared access for the two properties instead of adding an additional driveway. Mr. Hall stated we are doing a shared access, but Murray Ordinance does not allow us to subdivide residential lots on private roads anymore. We have allowed that several years ago. The only way for this lot to be subdivided is to have both of these lots to have access onto Bullion Street that will meet our Code.

Mr. Woodbury shared his opinion that this area of Bullion really needs to be improved on both sides of the road. Mr. Woodbury asked the City to invest in these improvements. Mr. Nay stated the new tax base coming into the neighborhood should be able to contribute to improvements.



Mr. Nay made a motion to forward a recommendation of Preliminary and Final Subdivision Plat Approval to the Mayor located at the property addressed 1291 West Bullion Street subject to the following conditions:

1. The applicant shall prepare a Final Plat which meets Murray City Subdivision requirements and provide a copy to the Murray City Engineer for review and approval prior to recordation with the Salt Lake County Recorder's Office.
2. The Final Plat shall provide standard public utility easements on all lots to meet the subdivision ordinance regulations as required by the Murray City Engineer.
3. The applicant shall provide grading, drainage and utility plans to be reviewed and approved by the City Engineer.
4. The applicant shall meet City storm drainage requirements, providing grading to maintain drainage on-site.
5. The applicant shall provide a site Storm Water Pollution Prevention Plan (SWPPP) and obtain a City Land Disturbance Permit prior to beginning any site grading or construction work.
6. The applicant shall obtain a City Excavation Permit before beginning any work in the City right-of-way.
7. 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.
8. The subdivision shall meet all applicable Fire Code standards.
9. The subdivision shall meet all Water and Sewer Division requirements.
10. The applicant shall provide a soils test to the City Engineer and Building Official for the property prior to recordation of the lots.
11. The plat shall include a note indicating that vehicular access to both lots will be provided exclusively from the access easement and not directly from Bullion Street (because of the narrow frontage and the existing drive accesses on either side).

Seconded by Mr. Woodbury

Call vote recorded by Mr. McIlrath.

  A   Travis Nay  
  A   Scot woodbury  
  A   Sue Wilson  
  A   Maren Patterson  
  A   Lisa Milkavich  
  A   Phil Markham

Motion passed 6-0.

OTHER BUSINESS

Mr. McNulty stated that there are two meeting in November and we understand that it is a popular time to take off. Staff will be following up with the Commissioners to ensure we have a quorum. Mr. McNulty reminded the Commissioners that we have a full agenda for the November 2, 2017 meeting and will revisit the Exclusive Architectural continuance on November 16, 2017. Staff is recommending that we have only one meeting in December because of the proximity to Christmas, we can have an additional meeting if we really need it.

The meeting was adjourned at 7:39 p.m.

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Jared Hall, Supervisor  
Community and Economic Development