

Minutes of the Planning Commission meeting held on Thursday, July 19, 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
Phil Markham
Scot Woodbury
Sue Wilson
Ned Hacker
Jim McNulty,
Zac Smallwood, Associate Planner
Briant Farnsworth, Deputy City Attorney
Susan Nixon, Associate Planner
Citizens

Excused: Maren Patterson

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 June 21 and July 5, 2018 Planning Commission meeting with the suggested changes. Seconded by Ms. Milkavich.

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 the Stillwater Apartments, Bathemess ADU, Car Price Auto, Equator Auto Sales and Secured Auto Sales. Ms. Milkavich seconded the motion.

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

MASTER SCRAPER – 4195 South 500 West, #2 - Project #18-86

Kelsey Raddon was present to represent this request. Zac Smallwood reviewed the location and request for a Conditional Use Permit to allow a wood scraping business to be located at the property addressed 4195 South 500 West, #2. The property is located within the M-G zone. Mr. Smallwood stated that the applicant proposes to operate a small wood scraping business from a single unit in the Industrial Park located at 4195 S. 500 West. The subject property is Unit #2, a 900 square foot warehouse space with a small restroom. The wood flooring to be scraped will be delivered and shipped back off-site through the overhead door. No changes to the existing open floor plan are proposed. This is a service operation, and

customers are not anticipated on-site. All wood scraping and storage will be conducted inside the building. The applicant has no employees, and will be the only person working at the location. Parking for the warehouse space is calculated at a rate of one (1) space per 750 square feet. This requires a minimum of two (2) spaces. In most cases there are three (3) parking spaces per unit in this complex. The parking area directly adjacent to Unit #2 is not striped currently. Section 17.72 also requires one (1) van accessible ADA parking space which has not been provided in this area previously. Staff recommends that two (2) spaces be striped, one of which must be a van accessible ADA space. The applicant has stated that no customers will be coming to this location and staff has determined that there will not be an impact to the existing parking. There is no landscaping immediately adjacent to the subject property (Unit #2). Landscaping on 500 West had been previously approved. No additional landscaping is required. Staff recommends approval of the proposal subject to conditions.

Kelsey Raddon, 4195 South 500 West #2, stated she has reviewed the conditions and will be able to comply.

Ms. Milkavich asked if the applicant plans to use a dust collector with this business. Ms. Raddon responded that they do not plan to use a dust collector for the business.

Mr. Hacker asked if wood scraping is plaining. Ms. Raddon responded that they add detail to the wood which is new wood.

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

Mr. Woodbury made a motion to approve a Conditional Use Permit to allow a wood scarping business located at 4195 South 500 West, #2, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The property owner shall stripe the parking area with a minimum of two (2) parking spaces, including one (1) ADA compliant van accessible space.
4. The applicant shall work with Building Division Staff to provide an equipment plan including dust mitigation equipment if necessary.
5. The applicant shall obtain Murray City Building Permits for any work necessary on the property.
6. The applicant shall obtain a Murray City Business License before commencing work at this location.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Smallwood.

 A Scot Woodbury
 A Sue Wilson
 A Lisa Milkavich

A Phil Markham
 A Ned Hacker
 A Travis Nay

Motion passed 6-0.

COSTELLO ESTATES – 1222 West Bullion Street – Project #18-60

Blaine Gough was the applicant present to represent this request. Jim McNulty reviewed the request for final subdivision approval for a 15-lot subdivision to be developed on the property addressed 1222 W. Bullion Street, or approximately 5705 S. Walden Glen Drive (1190 West). The proposed subdivision is located in the R-1-10 (Single-Family Low Density Residential) Zoning District. The applicant proposes a 15-lot subdivision allowing for single family homes on the property. All proposed lots will be located either on Walden Glen Drive, or on one of two proposed cul-de-sacs accessed from Walden Glen Drive. Lot sizes will range between 10,011 and 15,327 square feet. All proposed lots will exceed the minimum area requirements for the R-1-10 zone. Development of the subdivision is constrained on the east by the Jordan River. Necessary permits, approvals, and restrictions were reviewed by the City Engineer for preliminary approval. Since that time, City Engineering Staff and the applicants have continued to work to obtain those permits and approvals. There are two existing homes on Bullion Street which are owned by the original land owner, but which are not included in the subdivision. There are no structures to be demolished on the subject property. Public utilities are available within Walden Glen Drive to serve the proposed subdivision. Comments and requirements from City Staff regarding utilities are included in the recommended conditions of Preliminary Approval. Each lot is required to have a minimum lot area of 10,000 square feet, with eighty feet (80') of property width for interior lots, and ninety feet (90') of property width for corner lots (as measured at the 25 foot front setback), and a total permissible lot coverage of thirty-five percent (35%). No changes to lot configuration or size have occurred between preliminary and final applications. On the east side of the proposed Costello Court is a 28,814 square foot area of property contained within the subdivision boundaries which will not be developed, but maintained as open space. On the east, the floodway of the Jordan River encroaches, and on the north, where the cul-de-sac terminates, the grade of the property drops sharply into the adjacent City owned parcel, which is used for drainage. The park strip has been removed from the plans in this area since there will not be an adjacent lot owner to care for it. The sidewalk will continue around the cul-de-sac.

The applicants have proposed a perimeter fence for the subdivision on side and rear lot lines. The majority of the fencing will be six foot (6') solid vinyl. This Fence Type 1 will be used where the subdivision lots are adjacent to existing properties owned by Greg and Carrol Costello and Ralph Kemker. Staff supports the use of fencing which can still provide visibility on the subdivision perimeter adjacent to the open space on Parcel A. The applicant has proposed changing to Perimeter Fence Type 2 at the 25' front setback line of Lot 112 and will be approximately 4-5 feet in height. There have been concerns raised about livestock on adjacent parcels which can be appropriately addressed with fencing. Staff is working to find a fencing solution which will allow visibility to the open space along the river, while mitigating concerns from adjacent property owners. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission grant Final Subdivision approval for the proposed Costello Estates Subdivision on the property addressed 5705 S. Walden Glen Drive, subject to conditions.

Mr. Nay asked if Parcel A will remain natural open space. Mr. McNulty responded that is his

understanding. Mr. Nay asked about ground disturbance along the bank of the river and landscaping. Mr. McNulty responded that the developer will need to work with the Salt Lake County Flood Control with this issue.

Blaine Gough, 12809 South Bolter Street, Draper, stated he has reviewed the proposed conditions and will comply. Mr. Gough stated that their SWPPP plan will be submitted to the Engineering Division very shortly show a berm along the canal rather than a silk fence and they have full intentions of protecting that area. It benefits their as builders and benefits the future home owners to preserve this area and leave it with natural vegetation. The bank will have a 3:1 slope for approximately 3 feet. The SWPPP plan has wash out pans on-site.

Mr. Woodbury complimented Mr. Gough on this being a very nice development and will be an asset to the community.

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

Mr. Woodbury made a recommendation of approval to be forwarded to the Mayor for final subdivision approval of the Costello Estates on the property addressed 1222 West Bullion Street subject to the follow conditions:

1. The project shall comply with the following Murray City Engineering requirements:
 - a. The applicant shall meet City Subdivision requirements and standards.
 - b. The applicant shall meet City storm drain requirements.
 - c. The applicant shall meet City utility requirements and provide standard PUE's on all lots.
 - d. The applicant shall provide a site soils study and meet recommendations.
 - e. The applicant shall obtain all required County and State Permits related to the Jordan River meander corridor.
 - f. The applicant shall obtain approval and pipe the existing NJIC overflow channel along the north side of the site, and shall obtain any required State and County permits.
 - g. The applicant shall provide a Salt Lake County maintenance easement along the Jordan River.
 - h. All lots adjacent to or backing the Jordan River shall be required to maintain a 75 foot setback from the Jordan River floodway. The required 75 foot setback line shall be shown on the plat.
 - i. The applicant shall obtain Irrigation Company approval and pipe the active irrigation ditches on the site. Abandon / plug any unused irrigation system boxes and pipes.
 - j. The applicant shall develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site work.
 - k. The applicant shall obtain a City Floodplain Development Permit for any work in the Jordan River floodway.
 - l. The applicant shall obtain a City Excavation Permit for work in the City right-of-way.
2. The project shall meet all applicable building and fire codes.

3. The applicant shall provide complete plans, structural calculations and soils reports, stamped and signed by the appropriate design professional upon submittal for building permits.
4. The project shall provide adequate numbers of fire hydrants with adequate fire flow, to be reviewed and approved by the Murray City Fire Department.
5. The applicant shall work with Murray City Power to appropriately place street lights for the subdivision on Walden Glen Drive, Costello Court, and Hickman Cove, meeting all requirements of the Murray City Power Department.
7. The project shall meet all requirements of the Murray City Water and Sewer Division.
8. The subdivision improvements shall include the installation of a perimeter fence in two types, six-foot (6') solid vinyl or masonry and three-rail with vinyl coated chain link, located as indicated in the Staff Report.

Seconded by Ms. Wilson.

Call vote recorded by Mr. Smallwood.

 A Scot Woodbury
 A Sue Wilson
 A Lisa Milkavich
 A Phil Markham
 A Ned Hacker
 A Travis Nay

Motion passed 6-0.

EREKSON PLACE & CREEK PARK SUBDIVISION AMENDMENT/LOT LINE ADJUSTMENT
– 5837 & 5847 South Majestic Pine Drive and 5824 South Royalton Drive – Project #18-85

Matt Mitchell was the applicant present to represent this request. Jim McNulty reviewed the location and request for Planning Commission approval to allow a Lot Line Adjustment between the properties addressed 5847 S. Majestic Pine Drive, 5837 S. Majestic Pine Drive, and 5824 S. Royalton Drive. The request to adjust the lot lines is in order to accommodate existing construction on Lot 14 in the Erekson Place Subdivision, and Lot 1 in the Creek Park Subdivision. A single-family home was recently constructed on Lot 15 of the Erekson Place Subdivision. During this process, it was determined that adjustments would be necessary for these properties. This request is to allow an adjustment of lot lines by consenting property owners, and does not result in the creation of a new lot, but in the modification of existing lots. Because it does not result in a new lot, Utah State Code allows the adjustment, but requires Planning Commission review and approval because these lots are contained within recorded subdivision plats. All three (3) properties are currently used for single-family homes, and located within two (2) recorded subdivision plats. The properties addressed 5847 S. Majestic Pine Drive, and 5837 S. Majestic Pine Drive, are known as Lots 14 and 15 of the Erekson Place Subdivision. The property addressed 5824 S. Royalton Drive is Lot 1 of the Creek Park Subdivision. The requested adjustments between these three (3) lots will slightly increase the square footage of Lot 14 and Lot 1, will slightly decreasing the square

footage of Lot 15. The applicants are working together to resolve conflicts with the original lot lines. Last fall, the Mitchell's hired a licensed surveyor to do a survey of the property. It was determined that a portion of the Hansen home located on Lot 14 was within 5 feet of the shared property line with the Mitchell's. In addition, it was determined that the Maxfield's outdoor pool area had encroached into a portion of the Mitchell's property along the rear property line. The proposed application is intended to resolve and clean-up these property conflicts between these three neighbors.

Utah State Code Section 10-9a-608(2)(a)(iii) allows the adjustment of lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join in the petition, regardless of whether the lots or parcels are located in the same subdivision. Municipalities are required to review the proposed adjustments to assure that the modifications do not result in violations of local zoning codes. In some cases, the lot line adjustment can be granted administratively by City Staff. Two (2) lots are located within the R-1-8 zone, with one (1) lot in the R-M-10 zone. The lot area for all three (3) lots exceeds the minimum zoning requirements for both zones. Also, the adjustments do not impact existing building setbacks. Other aspects such as access, parking, landscaping, and lot coverage remain unchanged by this application. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the requested Lot Line Adjustment subject to conditions.

Matt Mitchell, 5847 South Majestic Pine Drive, stated he has reviewed the recommended conditions of approval and will comply.

Sue Wilson commented that based on her experience developing property over many years, emphasized condition #6, that separate Deeds are properly recorded subsequent to recordation of the Notice of Approval granted by the Planning Commission. Mr. Mitchell responded that he will ensure that will be done by their title company.

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

Mr. Hacker and Mr. Nay complimented the applicant on their efforts to work together as property owners to resolve this issue civilly.

Mr. Hacker made a motion for approval for approval of the proposed Lot Line Adjustments and Subdivision Amendment subject to the follow conditions:

1. The project shall meet all Murray City requirements for a Lot Line Adjustment.
2. Public Utility Easements shall be maintained and adjusted with the lot lines.
3. The project shall meet all current fire codes.
4. The project shall meet all requirements of the Water & Sewer Division.
5. The project shall meet all applicable Building and Fire Codes.
6. The property owners will be required to record separate deeds after recording the "Notice of Approval" of Lot Line Adjustment.

Seconded by Mr. Markham.

Call vote recorded by Mr. Smallwood.

 A Scot Woodbury
 A Sue Wilson
 A Lisa Milkavich
 A Phil Markham
 A Ned Hacker
 A Travis Nay

Motion passed 6-0.

SHARED PHARMACY – 4843 South Murray Blvd and 495 & 497 West 4800 South – Project #18-87

Jessie Merchant was the applicant present to represent this request. Zac Smallwood reviewed the location and request for a Zone Map Amendment from M-U (Mixed Use) to C-N (Commercial Neighborhood). The combined area of these lots is .76 acres. The subject properties include a pharmacy business, a vacant building and a small piece of property adjacent to the two larger parcels. The subject property at 497 West 4800 South was most recently used as a restaurant called Moe's BBQ. Moe's has since closed and the building is currently vacant. This property is currently zoned M-U. The subject property at 4843 South Murray Boulevard is a wholesale pharmacy company. The subject property at 495 West 4800 South is located on the east side of the two lots and is vacant. The proposed rezone would allow Shared Pharmacy to consolidate the three parcels and make an addition to their existing building, as well as provide additional parking for employees. In the adopted 2017 General Plan, Murray City changed the Future Land Use designation for several properties previously designated Mixed Use. The subject properties are now identified as "Neighborhood Commercial" within the General Plan and the Future Land Use Map. There are additional lots that surround the subject properties which are not included in this application, and will remain in their respective zones of M-G to the north, C-D to the west and M-U to the east. It is important to note that the properties are also no longer identified as Mixed Use by the current Future Land Use Map. It is likely that these properties will also be rezoned in the future.

The proposed C-N zoning is supported by the General Plan and is compatible with the position of the property in the larger, commercial and manufacturing zoned block and with the current development pattern of the area. A pharmacy is a permitted use in both the existing M-U zone and the proposed C-N zone. The applicants intend to keep the existing pharmacy building, demolish the former Moe's Diner building, and construct their expansion and parking area. The setbacks and other regulations of the C-N zoning will allow the pharmacy use to expand while keeping the existing building and developing an addition with associated parking between the building and 4800 South. The current development pattern is not possible in the M-U zone. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment for the properties located at 495 W. 4800 South, 497 W. 4800 South, and 4843 S. Murray Boulevard from M-U to N-C

Jessie Merchant, resident of Sandy, stated their pharmacy has been at the subject property for the past 10 years. She stated that it is important for them to be able to expand their existing building because their business has grown over the years and they are in need of additional

space. Ms. Merchant explained their business does packaging and filling of medication prescriptions to facilities such as long-term care for nursing homes and assisted living centers.

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

Mr. Woodbury made a motion to forward a recommendation of approval to the city council for the Zone Map Amendment request for the properties addressed 4843 South Murray Blvd and 495 & 497 West 4800 South from M-U to C-N because it is consistent with the newly adopted General Plan. Seconded by Ms. Milkavich.

Call vote recorded by Mr. Smallwood.

 A Scot Woodbury
 A Sue Wilson
 A Lisa Milkavich
 A Phil Markham
 A Ned Hacker
 A Travis Nay

Motion passed 6-0.

OTHER BUSINESS

Mr. McNulty indicated that the commissioners are welcome to register for the Utah APA Fall Conference on October 4 & 5 held at Jordan Commons in Sandy. The city will pay their registration fee if they would like to attend. Mr. Nay indicated that he would like to attend.

The Mayor's Boards & Commission Banquet is August 1st and deadline to rsvp is Monday, July 23rd.

Planning Commission training dinner will be held on Wednesday, August 22nd from 6:00 to 7:30 p.m. at the Public Services Conference Room.

The meeting was adjourned at 7:05 p.m.



Jared Hall, Supervisor
Community and Economic Development