

Minutes of the Planning Commission meeting held on Thursday, August 16, 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
Maren Patterson
Sue Wilson
Ned Hacker
Zac Smallwood, Associate Planner
Mark Boren, Associate Planner
Jim McNulty, Development Services Manager
Briant Farnsworth, Deputy City Attorney
Citizens

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. Woodbury made a motion to approve the minutes from the August 2, 2018 Planning Commission meeting with the suggested changes made in the Staff review meeting. Seconded by Mr. Markham.

A voice vote was made, motion passes 7-0.

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 Ice Haus and Hoggan ADU. Ms. Milkavich seconded the motion.

A voice vote was made, motion passes 7-0.

OSKI LLC – 134-140 EAST 4800 SOUTH - Project #18-58

Jamie Mencia was present to represent this request. Jim McNulty reviewed the location and request for a Certificate of Appropriateness for a major alteration of a multi-tenant located at the property addressed 134 -140 East 4800 South. The property is located within the MCCD zone. Mr. McNulty stated that the proposed enhancements include landscaped planters, additional parking stalls to include ADA accessible stalls, and exterior enhancements along with interior upgrades. The main floor of the building will have three office/retail spaces available for rent, they front 4800 South. Each rental suite will have a separate entrance, accesses and signage. Mr. McNulty stated that on the main level of the building there is also an apartment unit and emphasized that the current code in the MCCD does not allow for apartments or residential uses on the main floor. However, the apartment is a legal non-

conforming use that has been there for a long time and is currently being used as a residential rental. The proposed basement plan shows two additional residential apartment units and storage/utility space. The proposed changes were previously reviewed by the MCCD Design Review Committee and they were well received. Currently, the exterior of the building is a mixture of mismatched materials. The applicant proposed a complete exterior renovation of the existing structure and will use distressed brick for a large portion of the façade to loosely match the existing brick of the original building. Additionally, reclaimed wood cladding, stucco, and sheet metal paneling will also be used to comply harmoniously with the standards of the MCCD. Mr. McNulty stated, due to a lack of room for street improvements the property will not be able to install additional street landscaping. Instead the applicant will be required to submit a site plan that shows the proposed landscaping planters and their location. Mr. McNulty stated that there is a parking agreement with the owner of the Desert Star Playhouse; however, it is very limited. The renegotiation of the parking agreement will provide additional, permanent, resident parking spaces. The parking stalls will require some updates per conditions. Based on the analysis of the submitted materials, the MCCD Design Guidelines and Land Use Ordinance standards, Staff has determined that the proposed remodel and site redevelopment is consistent with the design guidelines and requirements of the MCCD zone and recommends that the Planning Commission approve a Certificate of Appropriateness for a Major Alteration of the property subject to the conditions as outlined in the Staff report.

Jamie Mencia, 945 East 13800 South, stated he has read the conditions and will be able to comply. Mr. Mencia asked if he needed to install a fire sprinkler system for the apartment units as condition # 3 states. Mr. Mencia stated he was under the impression that he did not need to install them and stated that he was only aware he needed to install an interconnected fire alarm system and comply with the area separation requires for the wall. Mr. McNulty stated that although he was not personally at the meeting in which this conversation was held, he believes the applicant is correct and is comfortable with the removal of condition # 3. Staff encouraged the applicant to work with the Building Official about what may be required as condition # 2 states within this report. Mr. Mencia displayed a materials and color board. It was noted by Staff and the Planning Commissioners that the proposed changes will greatly improve the façade of the building.

Mr. Markham asked where the dumpster on the site will be stored. Mr. Mencia answered that he doesn't believe the dumpster is his, but in the event that it is, he can install the enclosure. Mr. Mencia explained that the current parking agreement allows for two 24-hour parking stalls and the new proposal will provide two more for a total of four 24-hour stalls.

Mr. Hacker asked if there is a plan for lighting. Mr. Mencia answered no, because they don't own the parking lot. Mr. McNulty asked if they would consider lighting attached to their own building. Mr. Mencia stated yes, he would and asked what type of lighting is allowed. Mr. Nay answered that downward facing lights are required and encouraged the applicant to work with Staff to comply with the MCCD guidelines for lighting.

The meeting was opened for public comment.

Bruce Parsons, 128 East 4800 South, stated he owns property in this area and is very much in favor of the proposal.

The public comment portion for this agenda item was closed.

Mr. Nay proposed a condition of approval be added that states; if a dumpster is used that it shall be screened and proposed an additional condition of approval be added that states the applicant shall work with Staff to determine a lighting plan that is in accordance with the standards of the MCCD.

Mr. Markham made a motion to approve a Certificate of Appropriateness for a Major Alteration of the property addressed 134 - 140 East 4800 South with the following conditions as discussed:

1. The applicant shall obtain Murray City Building Permits for all work associated, and supply complete plans and calculations prepared by appropriate design professionals for permit applications.
2. The applicant shall meet with the Building Official regarding design requirements as needed.
3. The project shall meet all applicable building and fire codes and shall include an interconnected fire alarm system including smoke and carbon monoxide detectors between the ground floor and basement units.
4. The project shall comply with all requirements of the Murray City Water & Sewer Division and shall provide appropriate water service to the building as determined by Water & Sewer Staff.
5. The applicant shall submit plans for additional meters to the Murray City Power Department.
6. The applicant shall provide a landscaping plan including irrigation and proposed plant materials to meet the requirements of Section 17.170.160.
7. The applicant shall provide the additional two (2) parking spaces and an appropriate backing distance for them on-site and shall demonstrate that the easement for parking will satisfy all parking needs and comply with the requirements of Section 17.170.140(B). In addition, the applicant shall provide a parking agreement which verifies the approved use of the off-site parking as outlined in the staff report.
8. The applicant shall provide a site grading and drainage plan for all new concrete and/or paving work associated with the project.
9. The applicant shall replace any damaged curb and gutter or sidewalk along the 4800 South property frontages.
10. The project shall comply with the design standards outlined in Chapter 17.170 for the Murray City Center District and the MCCD Design Guidelines.
11. The exterior trash container shall be enclosed within a dumpster enclosure with gates to comply with Land Use Ordinance, Section 17.76.170.
12. Lighting shall be provided on the exterior of the building adjacent to parking area. In addition, all lighting shall be screen and directed downward to avoid light spill.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Smallwood.

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

Motion passed 7-0.

MOUNTAIN WEST CDL – 4700 South 900 East # 8 – Project #18-95

The applicant was not present to represent this request. Zac Smallwood reviewed the request for a Conditional Use Permit to allow a Commercial Driver's License (CDL) education business on the property addressed 4700 South 900 East, unit # 8 located in the Commercial Development (C-D) Zoning District. Mr. Smallwood stated the proposed site is just south of the vacant Kmart building in the Ivy Place Plaza. There is ample shared parking throughout the complex. Landscaping will need to be improved with updates along 900 East. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission grant approval of the Conditional Use Permit application request to allow a Driving School subject to conditions.

Ms. Patterson stated, in her opinion, this type of use seems to be a good a fit for the Ivy Place complex and asked what part of the request requires Planning Commission approval. Mr. Smallwood answered that it is the use that requires approval, because it is a driving school conditional use in the C-D zone. Mr. Smallwood stated that it is possible that a CDL driving school could have the potential to store large Semi trucks and trailers. Mr. Smallwood clarified that this particular application will not have storage of any Semi trucks or trailers on site, all driving will be conducted off site at another location.

Mr. Nay noted that the applicant was not present to address the landscaping requirements and asked Mr. Smallwood for clarification on condition number 4. Mr. Smallwood explained that the landscaping ordinance requires existing properties to come into conformance when there is a change, such as a CUP approval for a new business. Because this business fronts 900 East directly, the adjacent landscaping area needs to be updated to meet city standards. When the landscaping is completed on 900 East, it will match the opposite side of 900 East where the landscaping is up to date. Mr. Nay asked if the property owner is aware of the request. Mr. Smallwood answered yes, that Staff called him on August 14, 2018 to discuss the requirements and had to leave a voice mail. We have not been contacted by the property owner since.

Mr. Woodbury wondered if the absence of the applicant and the lack of contact from the property owner may be an indication that they will not pursue the driving school use or comply with the conditions. Mr. Smallwood stated that it is possible that they may not pursue the driving school any further. In the event the applicant does continue and applies for a business license, all the conditions will need to be met before his business license will be approved. Mr. Woodbury stated he would feel more comfortable approving the Conditional Use if the applicant was present to state that he is willing and able to comply with the

conditions listed. Mr. McNulty stated, in the past when an applicant is not present or verbally states they are unwilling to comply with conditions, the City Attorney has directed Staff to approve the application subject to the conditions. If the applicant cannot meet the conditions of approval, then they cannot move forward with the proposed use.

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

Mr. Markham made a recommendation of approval for a Conditional Use Permit to allow a Driving School at the property addressed 4700 South and 900 East #8, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain Murray City building permits for any remodeling, including a change of use analysis and adhere to all recommendations of the analysis.
3. The hours of operation are established as outlined in the staff report, Monday thru Friday, 8:00 a.m. – 5:00 p.m.
4. The property owner shall work with Community Development staff to develop and implement a landscaping plan for the frontage on 900 East to meet the requirements of Section 17.68 of the Land Use Ordinance, including the installation of a minimum of, four (4) trees, six (6) five-gallon shrubs and thirteen (13) one-gallon shrubs.
5. The applicant shall obtain permits for any proposed signs for this business.
6. The applicants shall obtain a Murray City Business License and pay applicable fees prior to commencing operations at the facility.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Smallwood.

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

Motion passed 7-0.

MUNCHKIN UNIVERSITY – 5099 SOUTH GERMANIA PLACE – Project #18-96

Heather Eliaba was the applicant present to represent this request. Zac Smallwood reviewed the request for a Conditional Use Permit to allow for a preschool located at the property addressed 5099 South Germana Place within the R-1-8 Zoning District. Mr. Smallwood stated that a similar application was previously before the Planning Commission about four years ago when the same applicant was living out of her in-law's home and operating the Munchkin University. The applicant has now purchased her own home and proposes to

operate the Munchkin University preschool there. The interior building floor plan indicates that the teaching area will be in the formal dining and living area of her home. The exterior site plan shows the proposed gated and paved play area meets city standards. The applicant's driveway allows for five or six cars at a time. Pickups and drop offs are split into two groups by preassigning the parents time slots which should decrease the potential traffic congestion. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission grant approval of the Conditional Use Permit application request to allow a preschool at the property addressed 5099 South Germana Place.

Mr. Woodbury asked if Staff has received any feedback from neighbors. Mr. Smallwood answered that Staff has not received any comments from neighbors but is aware that the applicant has personally spoken to the neighbors and she stated that most of them have been alright with the proposed business.

Ms. Milkavich asked what state regulations may exist for preschools. Mr. Smallwood indicated that state regulations do exist which oversee the safety of the children in the home. There are also City regulations that will be addressed by inspections when the applicant applies for a business license.

Heather Eliaba, 1599 S Germana Place, stated she was able to review the conditions and will be able to comply. Ms. Eliaba added that she spoke to the neighbors who live only on Germana Place, but did not speak to every single neighbor. Ms. Eliaba explained she will teach at least 7, but no more than 12 children at any given time to comply with the Murray City Code, but she typically operates with 8 to 10 children, but could upon occasion take up to 12. Mr. Nay asked hypothetically if she only had 5 children enrolled would she still hold her class. Ms. Eliaba answered that she has never had less than 7 children and she does not know how her business would be affected if she had less than 7 children. Mr. McNulty stated that the Murray City Code is worded to allow for group instruction to eliminate the possibility of having daycare or other uses and calling it preschool.

Ms. Milkavich asked Ms. Eliaba since she has previously used a pick up and drop off schedule for parents has it typically worked in the past. Ms. Eliaba answered that ideally it works, and she encourages carpooling whenever possible. Ms. Eliaba is expecting more foot traffic in this neighborhood. Mr. Hacker asked how long it takes for a drop. Ms. Eliana answered that if the parents are not chatty the drop off and pickups could be 5 minutes or less. Mr. Nay stated that the operating hours seem to be out of the normal peak times and that while she operated at her previous location the City did not have any complaints.

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

Mr. Hacker made a recommendation of approval for a Conditional Use Permit to allow to allow a preschool at the property addressed 5099 South Germana Place, subject to the follow conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain Murray City building permits for any remodeling, including a change of use analysis and adhere to all recommendations of the analysis.

3. The preschool shall comply with all standards for a group educational use within a home as outlined in Chapter 17.100 of the Murray City Zoning Ordinance, including the following
 - a) At least seven (7) but no more than twelve (12) children will be receiving instruction at any given time.
 - b) There shall be no more than eight sessions per week.
 - c) Each session shall last no more than three hours.
 - d) No child shall attend more than one session per day.
4. The applicant shall maintain a minimum four (4) foot high fence encompassing the rear of the property for outdoor activities.
5. The applicants shall obtain a Murray City Business License for a home occupation, which includes a building inspection as part of the process and pay applicable fees prior to commencing operations at the facility.

Seconded by Ms. Wilson.

Call vote recorded by Mr. Smallwood.

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

Motion passed 7-0.

OJEDAS AUTO LLC – 4644 SOUTH 160 WEST – Project #18-97

Leticia Ojeda was the applicant present to represent this request. Zac Smallwood reviewed the request for a Conditional Use Permit to allow a Vehicle Sales business on the property addressed 4644 South 160 West located in the M-G Zoning District. Mr. Smallwood stated that the applicant runs a small auto repair shop and wants to add wholesale auto sales. The site plan shows some previously installed landscaping. One condition of approval is that the ADA parking stall needs to be cleared of the two inoperable vehicles currently parked in there. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission grant approval of the Conditional Use Permit application request to allow a Vehicle Sales business on the property addressed 4644 South 160 West.

Mr. Woodbury asked if the dumpster on the site will be required to be screened per the Murray City Ordinance. Ms. Milkavich asked if it will need to be screened because it is in the interior of the complex behind gates. Mr. Smallwood stated that the street is not a public road and that they will be required to move the dumpster away from the ADA stall, but it will not be

required to be screened.

Mr. Smallwood stated that the applicant had indicated she would like condition number 4 to be amended to include Saturday from 10:00 a.m. to 4:00 p.m. as a day of operation as well.

Leticia Ojeda, 829 North 730 West, Tooele, stated she has had an opportunity to review the conditions and will be able to comply. Mr. Nay asked if she was alright with the amended condition to add Saturday from 9:00 a.m. to 4:00 p.m. Ms. Ojeda stated that she approved. Mr. Nay asked the applicant if she could move the cars and dumpster out of the ADA parking stall. Ms. Ojeda stated the cars do not belong to her, but she will work with the property owner to have them moved.

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 for a Conditional Use Permit to allow a Vehicle Sales business on the property addressed 4644 South 160 West, subject to the follow conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain Murray City building permits for any remodeling, including a change of use analysis and adhere to all recommendations of the analysis.
3. All storage and display of vehicles shall be located within the warehouse area of the building with no for-sale vehicles stored in the parking area or on the public right-of-way.
4. The hours of operation are established as outlined in the staff report, Monday thru Friday 9:00 a.m. to 5:00 p.m. and Saturday from 9:00 a.m. to 4:00 p.m., or as approved by the Planning Commission
5. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
6. The applicants shall obtain a Murray City Business License and pay applicable fees prior to commencing operations at the facility.
7. The ADA parking space must be cleared and available for appropriate use.
8. The property owner is required to remove inoperable vehicles from this area allowing for an ADA compliant parking space.

Seconded by Ms. Patterson.

Call vote recorded by Mr. Smallwood.

 A Scot Woodbury
 A Maren Patterson
 A Phil Markham
 A Ned Hacker
 A Sue Wilson
 A Lisa Milkavich

A Travis Nay

Motion passed 7-0.

JAY & MONICA BOLLWINKEL – 1202 WEST MURRAY BLUFFS COURT – Project #18-100

Monica Bollwinkel was the applicant present to represent this request. Mark Boren reviewed the request for a Conditional Use Permit to allow an Accessory Dwelling Unit (ADU) located on the property addressed 1202 West Murray Bluffs Court located in the R-1-8 Zoning District. Mr. Boren stated the applicant proposes to remodel and convert approximately 878 square feet of the basement of their 3500 square foot home to accommodate an ADU. The basement floor plans indicate that the ADU will consist of a sitting room, kitchenette, great room and a single bedroom. The home has a triple attached garage and driveways off Murray Bluffs Drive which provides six available parking stalls. Staff did receive a call from the neighbor that had a concern about the walkway from the rear of the property out to Murray bluffs Court. City code states that tenants of the ADU should park in the driveway, but visitors of the ADU are allowed to park on the street. Based on the information presented in this report, application materials submitted and the site review, Staff recommends that the Planning Commission grant approval for a Conditional Use Permit to allow an ADU to be located on the property addressed 1202 West Murray Bluffs Court.

Monica Bollwinkel, 1202 West Murray Bluffs Court, stated she was able to review the conditions and will be able to comply. Mr. Nay asked if Ms. Bollwinkel will be able to record the Owner Occupancy Affidavit with Slat Lake County Recorder's Office. Ms. Bollwinkel answered in the affirmative.

Ms. Patterson asked about the basement floor plan and asked if the room located next to the bedroom #5 will be used as an additional bedroom. Ms. Bollwinkel answered that it was a bedroom that has been converted into a storage room. This area will not be used for the ADU.

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

Ms. Patterson made a recommendation of approval for a Conditional Use Permit an Accessory Dwelling Unit at the property addressed 1202 West Murray Bluffs Court, subject to the follow conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant is required to apply for a building permit allowing an appropriate inspection or inspections to occur prior to occupancy of the ADU.
3. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
4. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
5. The property owners shall complete and record with the Salt Lake County Recorder's Office, the Accessory Dwelling Unit – Owner Occupancy Affidavit (Provided by

Community & Economic Development). A copy of the recorded document shall be provided to the Murray City Community and Economic Development Division prior to occupancy of the ADU.

6. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Smallwood.

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

Motion passed 7-0.

OTHER BUSINESS

Mr. McNulty stated that the next Planning Commission meeting will be held on Wednesday, September 6th and the agenda is full. It will be a late night. Six of the Planning Commissioners indicated they will be present. Mr. McNulty added that the September 20th agenda is also a full meeting and the meeting could also go long.

Mr. McNulty stated he has been working with Briant Farnsworth, Deputy City Attorney on the Sign Code and would like to discuss it with the PC in September. Zac has been working on graphics to replace the outdated graphics. Briant and G.L. submitted their findings on Reed versus the Town of Gilbert, and the changes are being made based on that information.

Mr. McNulty stated that the land use training meeting will be held in the Public Services Building on August 22nd from 6 p.m. to 7:30 p.m. The training will include the Planning Commissions, City Council and the hearing officers. Mr. McNulty handed out an agenda for the next meeting and a brief discussion ensued about the new items. The training will include dinner. Mr. Hacker asked if the presentation would include any information about the housing study and the impacts of the housing shortage that is expected to continue. Mr. McNulty answered that he expects the topic will be presented by the Salt Lake Chamber of Commerce when they schedule it with Murray City. Mr. McNulty stated that Murray has recently updated the General Plan and we feel prepared to handle the growth over the next 5 years. Murray City does meet the low to moderate income housing requirements from the State of Utah. This does not mean our City is done preparing for our growth, we need to continue to approve every type of housing. Ms. Milkavich asked if Murray City is ahead of the race or are we just meeting the standard and how do we compare to other cities. Mr. McNulty stated that most cities are not meeting the standard, but Murray is for the year of 2018.

Mr. McNulty stated we are in the new budget year and the Planning Commission stipend has been increased to \$40.00 per meeting from \$25.00. The Planning Commissioners exclaimed it was a miracle and expressed their appreciation.

The meeting was adjourned at 7:32 p.m.

A handwritten signature in black ink, appearing to read "Jared Hall", written over a horizontal line.

Jared Hall, Supervisor
Community and Economic Development