

Minutes of the Planning Commission meeting held on Thursday, January 3, 2019, 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  
Maren Patterson  
Phil Markham  
Scot Woodbury  
Sue Wilson  
Ned Hacker  
Jim McNulty, Development Services Manager  
Jared Hall, Community & Economic Development Supervisor  
Zac Smallwood, Associate Planner  
Briant Farnsworth, Deputy City Attorney  
Citizens

Excused: None

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 December 6, 2018 Planning Commission meeting with the suggested changes. Seconded by Ms. Milkavich.

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 Compass Preschool & Childcare, Parris RV LED Sign, and River Park Commons. Mr. Woodbury seconded the motion.

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

#### JEFFERSON PLACE SUBDIVISION – 6575 & 6571 South Jefferson Street – Project #18-164

Edward Klarich was the applicant present to represent this request. Jared Hall reviewed the request for a Flag Lot Subdivision for the property addressed 6575 & 6571 South Jefferson Street. The property is located within the R-1-8 zone. All Single-Family zones in the City allow Flag Lot Subdivision if requirements can be met. There are existing homes on both properties, both located near Jefferson Street. The applicant proposes to create two new building lots behind the existing homes. The home at 6575 South would be removed so that a new home could be built, but the applicant proposes to keep the home at 6571 South as a part of the new subdivision. All new residential lots in Murray must be created with frontage

on a public street, in this case the public street is Jefferson Street. The proposed Flag Lots will not be allowed to have access onto John David Lane per Murray City Ordinance. Site improvements include the installation of sidewalk on Jefferson Street, a 30-foot wide drive access and 4 feet of landscaping on each side of the drive access which would be shared by the two rear lots to provide access. Each Flat Lot is required to have at least 10,000 sq. ft. of area, and both lots meet standards. The proposed existing flag lots did not meet the 80-foot wide lot minimum requirement. The applicants were given a Variance from the Hearing Officer to be allowed to develop the Flag Lots with only 75-foot lot widths. Grading, drainage and utility plans are currently in the review process by the City Engineer. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission forward a recommendation for Preliminary and Final Flag Lot Subdivision approval to the Mayor subject to conditions.

Edward Klarich, 10160 Rosebud Road, Sandy, stated he is representing Shawn Barr and that they do agree with all the proposed conditions and will be able to comply.

The meeting was opened for public comment.

Blake Hammer, 120 W Lester Ave, asked what consideration has been given to the property owner for the loss of property and a structure. Mr. Nay stated that his understanding is that a relative will live in the remaining home and it is the property owner who initiated this proposal and is planning on rebuilding. Mr. Nay suggested that the applicant could provide additional information on this inquiry.

Casey Johnson, 6545 South Jefferson Street, asked if the home to be removed from lot 1 is a historical.

Courtney Hammer, 120 West Lester Ave, asked how the proposed home might impact her and wondered if the home will be tall, multi-level, how long will it take to build and if she would have the first opportunity to purchase a future home.

The public comment portion for this agenda item was closed.

Mr. Nay stated that because the structure is over 50 years old does not automatically make it a historical property. In order to have a structure designated historical it will have to go through a rigorous process. The new homes will be built according to the standards of the R-1-8 zone which would allow a home to be 35-feet tall and maintain the required set-backs.

Mr. Hall added that the home is not protected as a historical home in any way that would prohibit it from being demolished. When a demolition request for a home is received, the City notifies the History Advisory Board and they will document the existence of the home. Mr. Hall addressed the first right of refusal and explained that the City does not regulate who would be able to procure a lot, it should be handled as a private matter. Mr. Hall stated that during the construction process S.W.P.P.P. regulations require dust and mud be kept to a minimum. If there is a dust issue the best thing to do is call Murray City.

Ms. Milkavich asked where construction traffic will access the lots. Mr. Hall answered that construction vehicles should enter and stage from Jefferson Street for the site. Mr. Hall added if there are any considerations given to the property owners for the loss of their land and structures they will be decided by Shawn Barr as he is the property owner.

Ms. Patterson made a motion to forward a recommendation for Preliminary and Final Flag Lot Subdivision Approval to the Mayor for the properties located at 6571 & 6575 South Jefferson Street subject to the follow conditions:

1. The applicant shall meet all requirements of the Murray City Engineer including the following:
  - The applicant shall meet City Subdivision and Flag Lot standards.
  - The applicant shall provide road and sidewalk dedications.
  - The applicant shall install sidewalk meeting Murray City specifications along the project's frontage on Jefferson Street.
  - The applicant shall meet City storm drain requirements. The driveway must drain to landscaping.
  - The existing structures on proposed Lot 3 must be demolished prior to recording the plat.
  - The applicant shall provide grading, drainage and utility plans to be reviewed and approved by the City Engineer.
  - The applicant shall provide a site geo-technical study.
  - The applicant shall provide easements for underground power lines on the shared 38' wide access, as well as standard Public Utility Easements on all lots.
  - The applicant shall develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site demolition or grading work.
  - The applicant shall obtain a City Excavation Permit for work in the Jefferson Street right-of-way.
2. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
3. The applicant shall assure that all work is done in compliance with the 2015 International Fire Codes, and that the nearest hydrant delivers a minimum of 1200 – 1500 gallons per minute with a 20% residual pressure.
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.
5. The applicant shall provide a minimum 38' access width including 4' wide landscaped areas on both sides of a minimum 30' of hard surface (asphalt or concrete) for emergency access prior to any combustible construction for both flag lots.
6. The applicant shall provide complete plans, structural calculations and soils reports stamped and signed by the appropriate design professionals at the time of submittal for building permits.
7. The subdivision shall meet all Murray City Water and Sewer Division requirements, and shall assure that no water or sewer lines shall be located beneath driveways.
8. The applicant shall meet all Murray City Power Department requirements and provide for the relocation of the existing overhead power lines within an acceptable easement for such relocation, and shall provide an easement through the 38' shared driveway to supply power to the rear lots.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

WESLEY SUBDIVISION – 5165 South Wesley Road – Project #19-002

Steve Glezos was the applicant present to represent this request. Zachary Smallwood reviewed the request for Preliminary and Final Subdivision approval for a flag lot subdivision to be developed on the property addressed 5165 South Wesley Road. The property is located within the R-1-8 zone. The subject property is roughly 2 acres and if the application is approved the applicant is proposing to subdivide the property into a Flag Lot Subdivision with each lot being roughly about an acre each. All Single-Family zones in the City allow Flag Lot Subdivision if requirements can be met. The Southern property would be considered the primary parcel and the Northern property would be considered the Flag Lot because it doesn't have direct street frontage. Both proposed lots would be accessed from Wesley Road and the drive access would split to access both lots. Murray City is ensuring protection of the easements and Wetlands in the area. The Tanner Ditch Company has asked that Engineering Plans be submitted to them. As of yet, the plans have not been submitted to The Tanner Ditch Company and the submittal of the plans is listed as a Condition of Approval. The subject property is relatively flat adjacent to Wesley Road. As the property extends eastward, the property slopes down steeply, roughly twenty (20) feet or 31%, towards the wetlands. The applicants are proposing to build the homes more towards the front of the property rather than the rear of the property to avoid encroachment or disturbance of the protected wetlands. 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 Preliminary and Final Flag Lot Subdivision Approval to the Mayor subject to conditions.

Mr. Nay asked if the Tanner Ditch is located at the toe of the hill. Mr. Smallwood answered in the affirmative.

Steve Glezos, 5304 Birch Point Drive, stated he just reviewed the proposed conditions and will be able to comply.

The meeting was opened for public comment.

Norman Anderson, 5157 Wesley Road, stated he noticed the proposed home on the Flag Lot show it is up on the high area and asked if the 35-foot height requirement is on the average of the slope or the high point. Mr. Anderson stated that the drive access is located on the road where there is a curve and stated there might be a concern with his drive access located so close together as well cars coming around the corner. Mr. Anderson stated his property is legal non-conforming because he does not have an 8-foot setback and wondered

if he could rectify it by purchasing part of the property. Mr. Anderson stated that he is concerned that the Northwest corner of the proposed home on the Flag Lot appears to be only 6-8 feet from the property line.

Max Reese, 977 East 5600 South, stated he is Secretary of The Little Cottonwood Tanner Ditch Company and added that his ditch runs across the subject property. Mr. Reese stated he had briefly spoken with the Mr. Glezos about the project and asked for the plans to be submitted numerous times but still has not received them. Mr. Reese stated he has had prior dealings with the property owner and feels that the property owner has not had any regard for The Tanner Ditch Company property in the past. Mr. Reese stated they have not had any cooperation from the property owner and they have not have a good history which is leading them to be wary of the future development.

The public comment portion for this agenda item was closed.

Mr. Nay read condition number one that states to obtain irrigation company approval and pipe the existing irrigation channel through the development and assured Mr. Reese that The Little Cottonwood Tanner Ditch will definitely be involved in this process.

Mr. Smallwood addressed the building height concerns and stated Murray City calculates height from the front curb. When a building application comes in, the city will look at the plans to insure standards are met. The access easement concern was addressed and Mr. Smallwood that the drive easement was place by the side property line because it looks odd to have the drive way up the center of the property. Mr. Nay asked if 4 feet is the maximum allowable fence height along the side of the drive access. Mr. Smallwood replied in the affirmative. Ms. Milkavich wondered since the drive access meets city standards if the choice is up to the builder where it is place. Mr. Smallwood addressed the resident inquiry that some property be sold to the lot to the south to bring it into conformance and stated that the subject property may not meet city standards for the lot width if frontage is reduced. Mr. McNulty stated that it would be nice to help the adjacent property owner, and if it would work, it would first have to be worked out as a civil matter and then a lot line adjustment could be done. Mr. Markham stated that because the south property is legal non-conforming that they are not in any jeopardy. Mr. McNulty agreed that they are currently not in any jeopardy, and doubts that there is any surplus property to spare form the subject property. Mr. Smallwood addressed the resident concern that the building envelope maybe too close to the property line and stated that all buildings would have to meet all setback requirements and would be verified through our Building Division. Mr. Nay asked if a side yard set-back would apply to the western corner. Mr. Smallwood answered yes, and the closest the home could be to the property line is 8 feet.

Mr. Markham made a motion to forward a recommendation for Preliminary and Final Flag Subdivision Approval to the Mayor for the property addressed 5165 South Wesley Road subject to the follow conditions:

1. The project shall comply with the following Murray City Engineering requirements:
  - Meet City subdivision and flag lot requirements.
  - Meet City drainage standards
  - Provide standard Public Utility Easements on lots.
  - Delineate and protect on-site wetlands, provide delineation documentation.
  - Obtain any required County, State or Federal permits for encroachments into Spring Creek.

- The Spring Creek channel needs to be cleaned, dredged and improved to convey 10-year storm flow without flooding subdivision and neighboring properties.
  - Provide a drainage and maintenance easement along Spring Creek.
  - Provide site geotechnical study based on the proposed site grading. The study should include building pad design and retaining. The study should also evaluate stability of any un-retained slopes steeper than 2 ½ horizontal to 1 vertical.
  - Obtain irrigation company approval and pipe the existing irrigation channel through the development.
  - Obtain sewer and water service approvals from Cottonwood Improvement District and Jordan Valley Water Conservancy District.
  - Provide any required easements and vacate any unused easements within the proposed building areas.
  - Obtain a City Building Permit for all retaining walls over 4' high and for all building pads.
  - Develop a site Storm Water Pollution Prevention Plan (SWPPP) and obtain a City Land Disturbance Permit prior to beginning any site grading and construction work.
  - Obtain a City Excavation Permit for work within City roadways.
  - Restore Wesley Road to new condition.
2. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance and with Section 10-9a-608 of the Utah State Code for amending plats.
  3. The applicant shall assure that all work is done in compliance with the 2015 International Fire Codes.
  4. The applicant shall provide complete plans, structural calculations and soils reports stamped and signed by the appropriate design professionals at the time of submittal for building permits.
  5. The project shall meet all requirements of the Murray Power Department.
  6. The project shall meet all requirements of the Murray City Water and Sewer Division.
  7. The applicant shall record a deed restriction on the plat that prohibits the development on and disturbance of the protected wetlands.
  8. 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.
  9. At time of final recordation, the plat shall be required to include building envelopes to address all utility concerns.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

  A   Scot Woodbury  
  A   Phil Markham  
  A   Maren Patterson  
  A   Lisa Milkavich

A   Sue Wilson  
  A   Ned Hacker  
  A   Travis Nay

Motion passed 7-0.

OTHER BUSINESS

Mr. McNulty stated that the next Planning Commission meeting will be on January 17th, and we will hold elections for 2019 Chair and Vice Chair.

Motion to adjourn by Mr. Markham.  
Motion retracted by Mr. Markham.

Mr. Hall stated that in recent Planning Commission Meeting three automotive Conditional Use Permits had come through with the same condition to remove the pedestrian gate in the fence. To date, the gate has not been removed and the property manager doesn't want to remove it and stated he intends to ask for full vehicular access on Cherry Street. If the property manager does ask for it, he will be required to improve all the property frontage on Cherry Street that is derelict and revoke all the junk cars and install landscaping. Mr. Hall wondered if he does seek the vehicle access would the Planning Commission view the request as a modification to the Conditional Use Permit or a Site Plan Review. Mr. Markham stated that it was a big enough concern at the meeting that night that it should come back before the Planning Commission. Mr. Woodbury added that the purpose of removing the gate was so cars wouldn't park there by way of eliminating pedestrian access. By allowing the vehicular access to be put in, cars would be parked there again. Mr. Markham stated he would like to give the property owners a chance to address the request and city requirements. Mr. Hall concluded by saying if they do indeed seek the vehicle access it will be brought before the Planning Commission.

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

  
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Jared Hall, Supervisor  
Community and Economic Development