

Minutes of the Planning Commission meeting held on Thursday, April 2, 2020, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Chair
Scot Woodbury, Vice Chair
Travis Nay - Online
Maren Patterson
Sue Wilson – Online
Ned Hacker – Online
Lisa Milkavich
Jared Hall, Planning Division Manager
Susan Nixon, Associate Planner
Zac Smallwood, Associate Planner
Briant Farnsworth, Deputy City Attorney - Online

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 Department Office.

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

APPROVAL OF MINUTES

There were no minutes to approve.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Scot Woodbury made a motion to approve the Findings of Fact for the Spring Creek Cove PUD. Seconded by Lisa Milkavich.

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

STROKER DIESEL – 366 West 6100 South – Project #20-029

Richard Whittaker was online to represent this request. Jared Hall reviewed the location and request to operate an auto sales business at 366 West 6100 South. This property is located in the M-G zone, which allows auto sales with a Conditional Use Permit. The main issue with this item is the amount of available parking. Stroker Diesel is an active business that repairs diesel engines. They have 16 parking spaces based on the requirement of their current business. Staff has determined they would need 19 parking spaces for an auto sales business and the applicant has come up with a total of 26 parking spaces that are available for them to use. The city has asked the applicant to have no more than five vehicles for sale at any time due to the auto repair part of their business. Staff recommends approval of the Conditional Use Permit subject to certain conditions.

Ms. Wilson asked if the ADA parking space would be painted in addition to having a sign on the wall. Mr. Hall replied staff would make sure the ADA parking stall is painted.

Richard Whittaker, 366 West 6100 South, stated he was familiar with the recommendations and conditions of approval and will comply with those.

Mr. Markham said this is an industrial park. He realizes that the applicant meets all the rules and regulations to have this use in this zone. However, he is concerned that the city continues to get these very small vehicle dealerships and he doesn't think that was the original intent of these zones. He realizes it will take action by the city and Planning Commission to prohibit those, if that is the desire. He is not excited about this type of use in this zone; however, it is acceptable according to the city's rules and regulations.

Mr. Woodbury said the Planning Commission would like to see an area within the city that is a little more designated for these types of businesses rather than putting them wherever they can. He shares Mr. Markham's sentiments on this issue.

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

A motion was made by Scot Woodbury to approve a Conditional Use Permit for auto sales for the property located at 366 West 6100 South, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. No more than five (5) vehicles will be kept on site for sales at any one time.
3. The applicant shall designate a minimum of two (2) parking stalls adjacent to the east side of the building as reserved for customers.
4. The applicant shall maintain clear, appropriate vehicular access to the overhead doors on the north wall of the building at all times.
5. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
6. The applicant shall maintain a Utah Motor Vehicle Dealer's License.
7. The applicant shall obtain a Murray City Business License prior to beginning vehicle sales operations at this location.

Seconded by Ned Hacker.

Call vote recorded by Mr. Hall.

 A Ned Hacker
 A Lisa Milkavich

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

Motion passed 7-0.

JUSTIN HEAPS – 6278 South Lorreen Drive – Project #20-030

Justin Heaps was online to represent this request. Zac Smallwood reviewed the location and request to allow an Accessory Dwelling Unit (ADU) at 6278 South Loreen Drive. The applicant is currently remodeling this home. Two additional off-street parking spaces must be provided for the ADU and the applicant is paving additional driveway space to add those. The ADU has a living room area, kitchen and two bedrooms. There is a connection between the main dwelling and the ADU. Mr. Smallwood said staff has received some calls on this item with questions about if this was going to be an AirB&B, Vacation Rental by Owner (VRBO), or whether this would be an entire rental property. The city does not allow short-term rentals in single-family zones and one of the conditions of approval states that short-term rentals are not allowed. Additionally, the property owner, or someone on the deed, needs to live at the property and would need to fill out an Owner Occupancy Affidavit which will be recorded with Salt Lake County. The applicant would also need to obtain a business license to rent out the ADU. Staff recommends approval of the Conditional Use Permit subject to certain conditions.

Ms. Milkavich said the floor plan shows three bedrooms. Mr. Smallwood explained that the ADU has two bedrooms with a connection to the main dwelling, which is where the third bedroom is located.

Mr. Woodbury noted that even though it's separated from the ADU that third bedroom could be used as a rental if the applicant was not abiding by the terms of the Conditional Use Permit. Mr. Smallwood stated that could happen but if they did open it up, anyone staying there would have access to the main floor. He has to go off of what the applicant has submitted. Mr. Woodbury noted this is a very common ADU layout.

Justin Heaps, 811 Clover Meadow Drive, stated he was comfortable with the recommendations and conditions of approval and will comply with those.

Ms. Milkavich noted that the applicants address on the Conditional Use Permit Application is different than the property address. She asked Mr. Heaps if he planned on living at this property after the remodeling is done. Mr. Heaps replied the home is being remodeled and cannot be lived in yet. He said he is currently not living in the dwelling during the remodeling but that he plans to live there once the remodeling is complete.

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

Mr. Woodbury said the ADU Ordinance has been in place for ten years. He knows people are concerned about rental units, but this is a great way to protect the neighborhood.

A motion was made by Scot Woodbury to approve a Conditional Use Permit to allow the construction and/or operation of an Accessory Dwelling Unit at 6278 South Lorreen Drive, subject to the following conditions:

1. The project shall comply with all applicable building and fire codes standards.
2. Interconnected smoke detectors and CO sensors shall be provided throughout the house.
3. The property owner shall obtain a building permit for any proposed remodeling or construction on the site.
4. Separately controlled heating shall be provided for each area, such as base board heating, a dual zone furnace, etc.
5. Access from the ADU to a circuit breaker panel shall be provided.
6. Appropriate egress windows and window wells shall be provided.
7. Inspections by the Murray City Building Division will be required prior to occupancy of the ADU and will include general inspection of the items outlined in the Staff Report.
8. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
9. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
10. The property owner shall provide an additional two (2) off street parking spaces as required by Section 17.78.040(I) of the Murray City Land Use Ordinance for a total of four (4) off street spaces.
11. The property owner 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.
12. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU. Rental of the ADU must meet the requirements of the Murray City Land Use Ordinance.
13. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used for temporary rentals such as an AirB&B or VRBO.

Seconded by Maren Patterson.

Call vote recorded by Mr. Smallwood.

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

Motion passed 7-0.

CAR DEAL, LLC – 139 West 4500 South, #22 – Project #20-031

This item has been postponed. No action was taken.

GREG FABIANO – 5767 South Nena Way – Project #20-032

Greg Fabiano was online to represent this request. Zac Smallwood reviewed the location and request to allow an Accessory Dwelling Unit (ADU) at 5767 South Nena Way. The ADU is 880 sq. ft. which meets the requirements of the ADU Ordinance being less than 40% of the main dwelling or 1,000 sq. ft., whichever is less. The property has a large concrete pad which gives it more than enough area for parking. Mr. Woodbury stated he has received a couple of emails. The other Planning Commission members stated they have seen and read those emails. Mr. Smallwood said the ADU has a kitchen, living room area and two bedrooms. The applicant is in the process of obtaining a building permit to remodel the property. Staff has received comments about the property owner not living there. Mr. Smallwood explained that Mr. Fabiano's daughter is on the title and will be living at the home. She is considered one of the homeowners and would be required to be on the Owner Affidavit that will be submitted to the city and recorded with Salt Lake County. Mr. Smallwood stated the city does not allow short-term rentals in ADU's and noted that the applicant will have to obtain a business license. Staff recommends approval of the Conditional Use Permit subject to certain conditions.

Ms. Patterson said an email was received asking why the floor plans shows a wet bar and a game room and not a kitchen and a living room. Mr. Smallwood said staff allowed the building permit to come in with a second kitchen covenant document, which means he would not be renting out the property, so that he could move forward with the construction. Later, the applicant decided to apply for an ADU rather than utilizing the second kitchen covenant process. The ADU approval would allow him to possibly rent out the unit. Patterson asked Mr. Smallwood to contact the email sender inquiring about this issue and explain what they can do if this property turns into a short-term rental.

Ms. Milkavich asked where the entrance to the ADU is. Mr. Smallwood replied as he understands it, there is a door that allows access to go either up to the main dwelling, and access to go down to the ADU.

Greg Fabiano, 8121 Copper Canyon Way, stated that his daughter will be living in the home. After going through the process to finish the basement, he decided to go ahead and get approval for an ADU. Currently, he is not planning to use the basement as a separate apartment, but he thought while he was remodeling, he might as well get the approval for an ADU in case he decides

to rent it out in the future. He said he was familiar with the recommendations and conditions of approval and will comply with those.

The meeting was open for public comment.

Comments from Natalie Spens and Mike Bird were received by the Planning Commission before the meeting.

Natalie Spens wrote, "I am a Home Owner on Nena Way, and I have 3 children that live in my house full time. 2 of them are small children. I am disappointed in the amount of rental properties that are popping up in our Murray City neighborhood and I do not approve of the changes that Greg Fabiano is requesting to construct at the property located on 5767 South Nena Way.

This appears like it will become another rental unit. We want to maintain Murray City's tight knit community with long term residents that care about the neighborhood and people they live around. You just don 't capture this with rental units because people can be month to month & don't really care like a true home owner.

We have had issues with the renters that live directly next to us & there is no way to contact the actual home owner. It creates a disconnect and decline in the community.

To be honest, while looking at Greg Fabiano's proposed changes with a "wet bar", a "game room" and more parking indicates to me that he's hoping to possibly rent this in a similar fashion to an Air B&B. We do NOT want that kind of traffic coming through our neighborhood with small children around. There is no way to track or screen who rents this facility at such a high rate.

I think the changes proposed to the house on 5767 South Nena Way are excessive and unnecessary. We are making Nena Way our HOME and want a quiet street with homeowners that live in their house as their primary residence and care about their property."

A phone call was received from Mike Bird prior to the meeting and he indicated opposition to the ADU because he believes the owner will not reside in either the main dwelling or the ADU and intends to rent out both units. He is not opposed to ADU's as long as the owner resides there.

Susan Nixon read the online comments that were received.

Kelly Enniss sent it three comments. 1) *"If his daughter is on title why is she not living there now? Please ask Mr. Fabiano this question."* 2) *"I am against the rezoning proposal for this house. The owner has not been in this house and the bought it in October of 2019. I feel they will try to rent out both the upstairs and downstairs without the owner living them. The owner has not moved into the house yet."* and 3) *"Is Mr. Fabiano's son still moving in?"*

Jacqueline McHenry wrote, *"We have been told that his son and daughter would be living there. The upstairs is livable and there has been no one living there yet. They bought the house in October of 2019."*

Mr. Fabiano said he purchased the home in December 2019. No one is living there presently because the home is under construction. He hopes the construction will be done by the end of April. He said his son will not be living there.

Mr. Smallwood noted this is not a rezone request, it is a Conditional Use Permit request. He explained a conditional use is a type of use within a zone that is allowed with conditions which is why there are 13 conditions tied to this request.

Ms. Patterson explained she likes Conditional Use Permits for ADU is because it gives neighbors recourse if somebody is being a bad renter.

The public comment portion was closed.

A motion was made by Lisa Milkavich to approve a Conditional Use Permit to allow the construction and/or operation of an Accessory Dwelling Unit for the property located at 5767 South Nena Way, subject to the following conditions:

1. The project shall comply with all applicable building and fire codes standards.
2. Interconnected smoke detectors and CO sensors shall be provided throughout the house.
3. The property owner shall obtain a building permit for any proposed remodeling or construction on the site.
4. Separately controlled heating shall be provided for each area, such as base board heating, a dual zone furnace, etc.
5. Access from the ADU to a circuit breaker panel shall be provided.
6. Appropriate egress windows and window wells shall be provided.
7. Inspections by the Murray City Building Division will be required prior to occupancy of the ADU and will include general inspection of the items outlined in the Staff Report.
8. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
9. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
10. The property owner shall provide an additional two (2) off street parking spaces as required by Section 17.78.040(I) of the Murray City Land Use Ordinance for a total of four (4) off street spaces.
11. The property owner 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.

12. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU. Rental of the ADU must meet the requirements of the Murray City Land Use Ordinance.
13. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used for temporary rentals such as an AirB&B or VRBO.

Seconded by Scot Woodbury.

Call vote recorded by Mr. Smallwood.

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

Motion passed 7-0.

NATHAN MURDOCK – 6007 South 115 West – Project #20-037

Nathan Murdock was online to represent this request. Zac Smallwood reviewed the location and request to allow an Accessory Dwelling Unit (ADU) at 6007 South 115 West. This is proposed to be a 722 sq. ft. ADU and will contain a kitchen, bedroom, living room and a studio. Even though the parking requirements have been met, there is a gravel area that staff is requesting the applicant pave to clean the property up a little bit. Staff received some concerns about short-term rentals and if the applicant will be living at the property. After Mr. Smallwood spoke with the concerned citizens and explained how ADU's work they were no longer concerned. Staff recommends approval of the Conditional Use Permit subject to certain conditions.

Nathan Murdock, 6007 South 115 West, stated he has reviewed the conditions of approval and will comply with those.

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

A motion was made by Maren Patterson to approve a Conditional Use Permit to allow the construction and/or operation of an Accessory Dwelling Unit for the property located at 6007 South 115 West, subject to the following conditions:

1. The project shall comply with all applicable building and fire codes standards.
2. The property owner shall pave the existing gravel driveway to provide additional off-street parking.
3. Interconnected smoke detectors and CO sensors shall be provided throughout the house.

4. The property owner shall obtain a building permit for any proposed remodeling or construction on the site.
5. Separately controlled heating shall be provided for each area, such as base board heating, a dual zone furnace, etc.
6. Access from the ADU to a circuit breaker panel shall be provided.
7. Appropriate egress windows and window wells shall be provided.
8. Inspections by the Murray City Building Division will be required prior to occupancy of the ADU and will include general inspection of the items outlined in the Staff Report.
9. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
10. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
11. The property owner shall provide an additional two (2) off street parking spaces as required by Section 17.78.040(I) of the Murray City Land Use Ordinance for a total of four (4) off street spaces.
12. The property owner 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.
13. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU. Rental of the ADU must meet the requirements of the Murray City Land Use Ordinance.
14. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used for temporary rentals such as an AirB&B or VRBO.

Seconded by Ned Hacker

Call vote recorded by Mr. Smallwood.

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

Motion passed 7-0.

SACRED ENERGY BED & BREAKFAST – 296 East 4500 South – Project #20-034

Janet Wall was online to represent this request. Mr. Markham noted that the Planning Commission received some comments on this item prior to the meeting. The other Planning Commission members stated they have read those emails. Jared Hall reviewed the location and request to allow a Bed and Breakfast at 296 East 4500 South. There are six bedrooms in the home. The applicant would live in the home and rent out five of the rooms. This property is located in the General Office Zone (G-O) where a Bed and Breakfast could be allowed with a Conditional Use Permit. The home has a game room, kitchen, living room and rec room. The residence will need to have two parking spaces for the owners and one parking space per guest room, for a total of seven parking spaces. One of those spaces must be ADA accessible and should be posted and signed that way. Staff recommends approval of the Conditional Use Permit subject to certain conditions. Some of those conditions are outside of the planning staff's purview such as the building official's requirements. The Building Officials is requiring a Change of Use permit meaning the applicants will have to hire an architect to go through the home and determine what needs to be changed in order for the home to be safe for guests. The applicant will need to work with the County Health Department in complying with the noise ordinance and food service requirements. Mr. Hall said another concern that was raised by a neighbor was the lack of sidewalks leading up to Atwood Blvd. There are instances where public improvements like sidewalks can be required as part of the Conditional Use Permit. The City Engineer typically does not require those unless the project exceeds \$10,000 in value and even then, it's still his prerogative.

Mr. Woodbury said he knows this request is for a Bed and Breakfast, but it's being advertised on VRBO and could be mistaken as a VRBO. The difference is with a Bed and Breakfast, the owner will live at the home and a VRBO would be renting out the whole home and the owner wouldn't live there. Just because it's listed on VRBO, doesn't mean it doesn't comply with city ordinances.

Mr. Hall stated that the city does not allow short term rentals such as VRBO and AirB&B's in single-family zones. They are allowed as an owner occupied Bed and Breakfasts in other types of zones.

Ms. Patterson noted how unusual of an application this is. There are not very many places within the city that fall within the zoning and are able to be an AirB&B. She mentioned that one of the comments that was received was regarding busses parking in front of this house. She asked what recourse a neighbor would have for something like that. Mr. Hall replied this application was submitted as a result of Code Enforcement. They are aware of this site and the use and they want it to be in compliance. This is the first step towards getting it into compliance.

Mr. Woodbury asked if there are limits on the number of people that can occupy a house. Mr. Hall said that would be determined by the Building Department's review and occupancy rating. Mr. Woodbury asked if Code Enforcement was notifying people that are listed on VRBO that they need to be in compliance. Mr. Hall replied under State Code, the city cannot do that. They need to have a complaint from someone outside of city staff to initiate an investigation.

Ms. Milkavich said in most hotels and motels there's safety concerns with the number of people in those settings. This structure seems very small to have to have 22 guests plus two owners

and there may be health code issues. Mr. Hall said he doesn't do occupancy reviews like the building department does, but it is likely that there are rules about the occupancy of these rooms that will come out in the Change of Use review.

Mr. Markham verified that the applicant will not be able to operate as a Bed and Breakfast until this is approved. Mr. Hall said that was correct. He knows the applicant has operated in the past, but the home is empty right now. Ms. Patterson asked if the applicant would lose her business license if she doesn't comply with occupancy requirements. Mr. Hall replied once the applicant is operating with a business license, the city can check to make sure the applicant is doing what she is supposed to do.

Ms. Wall, 296 East 4500 South, stated she has read the recommendations and conditions of approval and will comply with those.

Ms. Wilson said she noticed there is not a dedicated breakfast room. She asked if there should be a dedicated breakfast room since this is a Bed and Breakfast. Ms. Wall replied she was waiting for the Building Officials review and then she would go from there.

The meeting was open for public comment.

Comments were received from Gary and Linda Kessimakis and James and Terry Kessimakis before the meeting.

Gary and Linda Kessimakis wrote, *"I am writing this letter in regard to the conditional use request for a Bed and Breakfast on the property located at 296 E. 4500 S.*

The property is now being used as a VRBO without appropriate licensing (see attached internet searches). As such, several problems have already occurred. Parking on Atwood and more specifically at my sons home located next to the proposed VRBO. It should be noted that there have been multiple warnings from the US Postal delivery person stating they will refuse to deliver mail if cars, vans or tour buses are blocking the mailbox. Atwood Blvd. is not designed for large vehicles or street parking.

The sidewalk on the west side of Atwood ends at my son's house. When coming around the corner from 4500 S. you must walk in the street. This is very dangerous and a sidewalk must be Installed, regardless of the zoning or approval of the VRBO.

A safety inspection needs to be done on the property. We toured the home when the house was for sale previously and the owners were very honest with us regarding the stability of the home. The house has very steep stairs and is not handicap accessible. The frontage is not enough for a business. The owners have been much better than the homeless people who were squatting at the residence after the passing of the previous owner. However, the current owners told us they were going to live in the residence not rent it out as a VRBO. Having strangers and large groups/events is not quite as desirable as having neighbors.

I have expressed my concerns and if the issues are resolved and the house is safe and the parking situation resolved and the sidewalk put in, then a B&BNRBO would be up to the owners.

I would personally give you a tour of the area and show you what I mean about the sidewalk, the

parking, the busy street (4500 S.), the lacking of street parking along with other issues.”

James and Terry Kessimakis wrote, *“Thank you for the opportunity to document my concerns regarding the request from Janet Wall to operate a Bed and Breakfast on the property located at 296 E. 4500 S.*

Having been a resident in Murray for over 50 years and residing in the home immediately South of the proposed B&B, I would like to provide several data points as to why I do not support this request.

- *I was in close contact with the previous owners (Mr. Nebiker) who stated all of the remodeling was done by him, not a licensed contractor. After Mr. Nebiker's passing, we spoke to the remaining family and they said the electrical was old and out of code, further saying it was a "fire hazard". They also told me that the foundations was a problem due to sandstone foundation. which has created a sinking and uneven floor throughout the home.*
- *Stairs in the house are nearly vertical and appear to be a fall or trip hazard. There is a "so called" bedroom you need to go through the bathroom to get to.*
- *The entrance that is 4ft tall and down 3 stairs, unsure if this is up to fire code. You need to physically inspect to see.*
- *If you own a property in Murray, you should be able to do whatever you want to your residence as long as it's in code and you have all the licenses required.*
- *When this property was previously for sale in 2018 it was zoned as M1, used for residential with a mother-in-law apartment. I was interested in the property to add a business or as a rental property. We looked into it and based on the honest feedback from the owner we didn't see how we could get city approval and was told by Murray City that I would not be able to based on:
-Not enough frontage (what does this mean)?
-Not handicapped accessible
-No sidewalk, and would lose additional frontage if a sidewalk was added*
- *We believe. along with others around or near this residence, that they have already been running a VRBO (Vacation Rental by Owner). The reason we believe this is:
-rental cars parked in front of our home
-tour buses parked in front of our home and mailbox (have been told multiple times to have cars/buses removed from area or mail service would be halted. These are not our cars or buses, but belong to the home that is already being used as a VRBO
-people coming in and out of the house with suitcases
-several times people staying at the house told us they were paying to stay at the house from VRBO (see advertisement and photo of tour bus)*
- *Here is a checklist of issues:
Ensure all electrical issues are investigated and approved
Ensure there are no fire hazards with wiring
Ensure there are acceptable fire exits and mitigation plans
Ensure the foundation is safe and up to code for inhabitants
Ensure a structural engineer has approved the residence to be occupied*

*Ensure appropriate parking, off the street
Ensure a sidewalk is installed and approved
Ensure appropriate amount of frontage road*

These issues must be addressed. We have concerns about the safety of not only our own family but the safety of those individuals who may be using the home as a Bed & Breakfast. The home does not appear to be in sound condition, there is a lack of parking and there are no sidewalks.

Living in Murray has been our honor. We have won yard of the year multiple times and we endeavor to do whatever we can to improve our home and our community. We have family living very near to this area of Murray and can attest to what a busy street Atwood and 4500 S. truly are. Our only hope is that before you approve this request for a VRBO that all of the issues are looked into and addressed. If there are problems or concerns that those issues are resolved prior to granting a license. As responsible residents, we would appreciate notification of any findings, variances and mitigation plans."

Susan Nixon read the online comments that were received.

Alexandria Cobos wrote, "I rent the house on 230 E 4500 S. I go on walks past that house constantly with my baby and dogs. It's very scary crossing the street on Atwood and 45th. People in cars don't look when turning and the bushes in front of that house you can hardly see over. I've seen quite a few accidents there as well! On numerous occasions. Passing the house."

James Kessimakis wrote, "I've watched the meeting and would like to know why Murray City doesn't inspect these ADU units to make sure the construction is done before they give them a license. Why do neighbors have to? Some residents do what they say and others don't.

What about blocking are mailbox? What about the tour bus? She doesn't show any bedrooms that are occupied by her on the VRBO ad?

Your right they're great actors they say one thing and do another.

It's empty because of the pandemic. They have been renting it."

Mr. Hall said there is an inspection before a business license is issued and this Conditional Use Permit is the first step for the applicant. The city also inspects ADU's.

Mr. Hacker said a sidewalk on Atwood has been talked about before. He asked if the city own the right-of-way for a sidewalk in that area. Mr. Hall replied it might, but he wasn't sure.

Bridget Timm wrote, "I'm concerned about a couple of things about the property on Atwood and 4500 s. First is the only bathroom for the downstairs through the kitchen? How is that sanitary? How many hot tubs will be used? Won't there be extra traffic on Atwood as well?"

The public comment portion was closed.

Mr. Markham said he knows there are still a lot of questions. It is up to the Building Official to make the determination as to whether this is a safe environment relating to plumbing, heating, electrical, and access. All of those things will be considered in a very comprehensive study of

this building. The Planning Commission is deciding on whether or not to give permission to see if this is an appropriate facility for a Bed and Breakfast. Mr. Hall added the Planning Commission is looking at the zoning for a Bed and Breakfast. It is allowed in a G-O zone and there is enough space for it to potentially work at this location.

Ms. Patterson said she thinks this is a good location for a Bed and Breakfast, but the applicant has a lot to do to get to a place where she is operating appropriately. Hopefully she can get into compliance and make this work. Mr. Woodbury said he agrees that this is a good location for a Bed and Breakfast. It is important to understand that the city has limited ability to enforce and they have to trust the applicants that they will adhere to the conditions that have been set for them.

A motion was made by Scot Woodbury to approve a Conditional Use Permit to allow for a Bed and Breakfast at 296 East 4500 South, subject to the following conditions:

1. The project shall comply with all applicable Building and Fire Code standards.
2. The subject property must be the owner's principal residence to operate the bed and breakfast.
3. The applicant shall obtain a Change of Use Permit from the Murray City Building Division.
4. The applicant shall provide interconnected smoke and CO detectors throughout the building, including in all bedrooms and adjacent hallways.
5. The applicant shall provide egress windows in all bedrooms.
6. The applicant shall provide a minimum of seven (7) parking spaces on the site, including one (1) ADA compliant, van accessible space. The applicant shall provide and demonstrate sufficient maneuvering to facilitate vehicles leaving the site onto 4500 South.
7. The applicant shall meet all requirements of the Salt Lake County Health Department for the operation of guest rooms and kitchen services.
8. The applicant shall observe noise ordinance standards regarding quiet hours in the operation of the bed and breakfast and assure that guests adhere to those quiet hours.
9. The applicant shall obtain permits for any new signage to be used on the property.
10. The applicant shall obtain a Murray City Business License prior to beginning operating as a Bed and Breakfast at this location.

Seconded by Travis Nay.

Call vote recorded by Mr. Hall.

 A Ned Hacker

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

Motion passed 7-0.

WILD ROSE SUBDIVISION – 5636 & 5668 South Bullion Street – Project #20-027

Susan Nixon reviewed the location and request for a lot line adjustment between 5636 South Bullion Street (Lot 2) and 5668 South Bullion Street (Lot 1). The reason for this request is there is a well located on Lot 1 which Tony Rezac would like to give to his grandson, Brock Rezac. State Code 10-9A-608 and Murray City Code Title 16, require Planning Commission approval for boundary line adjustments when located within any platted subdivision. Both properties are in the r-1-8 Zone. The applicants would like to transfer 7,950 sq. ft. from Lot 1 and deed it to Lot 2. Currently, Lot 1 is 28,892 sq. ft. and Lot 2 is 15,572 sq. ft. Each property would have 20,000 to 23,000 sq. ft. if the lot line adjustment is approved. The main access for Lot 1 is off of Bullion Street with secondary access off of Aaron Park Circle. With the lot line adjustment, there would be no frontage off of Bullion Street, but the owners have agreed to have a crossover easement which would cross over Lot 2 going to Lot 1. Staff recommends that the Planning Commission approve the requested lot line adjustment for the properties located at 5636 & 5886 South Bullion Street subject to conditions. Ms. Nixon stated that Tony and Brock Rezac indicated to her that they will be able to comply with the conditions.

Ms. Wilson asked if this would be a dedicated right-of-way that was going to be recorded. Ms. Nixon replied it would.

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

Maren Patterson made a motion to approve the Lot Line Adjustment for Lot 1 and 2 of the Wild Rose Estates Subdivision for the property address 5636 and 5668 South Bullion Street, subject to the following conditions:

1. The project shall meet all requirements of the City Engineer, and City requirements for Lot Line Adjustments.
2. Public Utility Easements must still be provided on existing lots.
3. Proof of recordation and Notice of Approval of Lot Line Adjustment documents must be submitted to the Community & Economic Development Department.

Seconded by Sue Wilson.

Call vote recorded by Ms. Nixon.

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

Motion passed 7-0.

MASH FARM ESTATES – 585 East 4800 South – Project #20-014

Gary Beers was online to represent this request. Zac Smallwood reviewed the location request for a 10-lot subdivision at 585 East 4800 South. The property is located in the R-1-8 Zone. The property is mostly vacant with the exception of one home on it. Two of the lots will front onto Spruce Glen Road and the other eight lots will front onto a new cul-de-sac, which meets city requirements, and is proposed to be called Mash Farm Circle. All lots comply with city regulations. Due to staff concerns with the shallowness of some of the lots, they have requested the building envelopes be placed on the plat prior to recordation. This doesn't show that the house will look like, but it does show the area of what could be a house as well as the setbacks. There is a significant slope on the property, but the applicant will grade that with retaining walls. Staff recommends approval subject to conditions. The applicant, and David Jenkin's with Ensign Engineers, are working with the city's Engineering Department to prepare a plat. Staff has received some comments on this item, and one of the main concerns is a gap on the parcel. That had gone through a quiet title process and was determined to be part of the Mash property.

Mr. Markham noted the Planning Commission received an extensive email from some property owners adjacent to this property. They raised a lot of technical questions, which were answered by the applicant. The questions and answers are as follows:

1. There is an extremely high-water table (6" to 12") on this property. What will be done to keep drainage from flowing onto our properties and into our basements? Some of the residents near me already had these issues even though the developer assured them that everything was taken care of to prohibit such from happening.
 - A. Grading will be conducted. A geotechnical study was provided and boring B-1 was done about 25 feet south of the property line of these 3 lots. The water table was measured at the time as being 7 feet below existing grade. the report did make recommendations for underground water which will be followed with the new subdivision.

2. Is the elevation going to change from its current level? If so, what remedy will handle the dirt adjacent to our property? Any additional dirt could damage our border of trees if a change is made right next to the trees. Also, it may create a situation where water runoff from storms may be directed towards our property. An additional 6 feet of property would help to mitigate that issue.
 - A. The existing elevation next to the property line will not change, no remedy is needed.

3. Is Gary Beers developing the property and building homes as well?
 - A. Gary Beers is developing the property and will be selling the lots to builders.
4. What are the variances for side, front and back property?
 - A. Variance means you are varying from typical standards. There are setback requirements which are 25 feet in the front and rear and a minimum of eight feet on the sides. There are no variances for yard setback. They will meet the R-1-8 Zone.

Mr. Hacker asked if by requiring the applicant to provide the building envelopes, will that preclude a property owner coming back and trying to get a variance on this lot or will this stop their ability to do that. Mr. Smallwood said yes, it will stop them which is why they did that in the first place.

Ms. Milkavich asked what “developing the property” meant regarding question 3. Mr. Smallwood said he assumed the applicant would be putting in the utilities and doing the heavy work such as curb, gutter, street and sidewalk. Ms. Milkavich asked if the applicant can sell to ten different builders or one builder who builds them all. Mr. Smallwood replied either, they are lots for sale.

5. Are there restrictions for a 3-car garage or just 2?
 - A. There is no requirement to have a garage, just two off-street parking spaces, which people generally put in a garage.
6. What are the minimal square feet for each home?
 - A. Murray City does not have a minimum square footage for a home.
7. What is the outside and roof restrictions? Mr. Markham said he think this is regarding height restrictions.
 - A. The height of the structure would be 35 feet to the top of the pitch.
8. Is overnight parking allowed on the street?
 - A. Overnight parking will be allowed as the same as any other subdivision in the City.
9. Is the entire subdivision fenced with the same material? If so, do you have a make, color, design and material and an address where we might check it out?
 - A. The developers are considering different fencing options but have not settled on a particular one at this time. They are awaiting cost estimates.

Mr. Smallwood said the last concern was regarding an easement on the northside of the property. That was the gap in the parcel that was quiet titled to the Mash family on January 24, 2020 and all the proper procedures were followed. Anything further would be a civil matter between the current property owner and the aggrieved parties.

Mr. Markham noted the Planning Commission received another email that raised concerns about powerlines and infrastructure disturbance. The Power Department and City Engineer will address those issues.

Mr. Hacker asked if this will be a city street. Mr. Smallwood replied it would. Murray City does not allow subdividing on private streets. Ms. Milkavich asked about double frontage along 4800 South which would require a solid masonry wall. Mr. Smallwood said a couple of these lots would need a masonry wall. Mr. Hall said the masonry wall would go in during the public improvements portion of the project because of the expense.

David Jenkins, Ensign Engineering, said the developer will put all the roads and fencing along 4800 South for Lot 9. They will work out the best way to do fencing for Lots 10 and 3 with the city. Both he and Gary Beers are familiar with the recommendations and conditions of approval and will comply with those.

Ms. Milkavich asked where the retaining walls would be. Mr. Jenkins replied there will be one along the back of the existing home and some other retaining walls along Lot 4 and Lot 1. There are also retaining walls between Lot 8 and Lot 9 and between Lot 9 and the existing home.

The meeting was open for public comment.

Susan Nixon read the online comments that were received.

Adrienne Cundick wrote, *"How did the Mash get a quiet title without notifying adjacent owner? We were told but realtor they were going to fence all the area. If there are not restrictions we could have anything in the development. We were also told by Murray water that the elevation on the property would change and there will be a 3 to 5 foot retaining on the north side of the development. We are not on 4800 but thought we would have a fence along our side?"*

Chicago Louie wrote, *"As of today, no one has contacted Paul about purchasing his water shares."*

Terry Haverkost wrote, *"Will each house plan need to seek approval with an open hearing?"*

Catherine Prehn wrote, *"We just noticed on the plans for this development that the irrigation line being planned to go back to Paul Mash's house is only a 4" line. The existing line is 6". The existing line that parallels 4800 South is also a 6" line. A 4" line would be much more susceptible to plugging up with debris which could be a very costly repair."*

Bridget Timm wrote, *"I own the property at 615 e 4800 S, next door to the proposed development. It is incorrectly listed that my uncle, Steven Mash owns this property, but from tax records you can see it's me. I have some concerns about a few things. First, the traffic and speeding on 4800's is incredibly bad. There have been dozens of accidents, there is no bike lane, and there is already a shortage of parking along the street. Further, almost no one adheres to the 30 mph speed limit I watch the flashing sign all the time (in front of the proposed development) and most people go at least 40, but often even faster. It can take 10-15 min to get out of our driveway a lot of times, people speed around a past us and all of our neighbors, and we have all been in accidents that were not our fault as a result of this. The addition of ten houses means exponentially more cars and traffic in an already over stressed and busy residential area. I have detailed further why this is such a concern and believe that this has to be fully addressed with detailed plans from both the*

developer and the city before any approval should be granted!

The crosswalk and flashing light on 4800 sand Atwood Blvd is insufficient. People frequently run through the school zones, don't stop for pedestrians, run through the flashing red light and stop at the flashing yellow light- creating numerous safety hazards and traffic issues. Further, both the intersection at 4800 sand Van Winkle and 4800 sand state street her terribly backed up and are also locations of numerous accidents.

How is the city and the developers planning to address such a large increase in traffic on our street when safety is already a huge concern and has not been addressed despite a significant increase in traffic already from new homes, surrounding businesses and lots along the street being subdivided over the last few years?

The planned development looks like it will be nice, but we only got blurry photocopy saying this is for preliminary and final approval. I would love to have more information about the time frame for this, the size of the houses in comparison to the property, if there are specific designs that will be utilized, whether these are one story or two, and whether these are explicitly single family dwellings without the possibility of rental attachments like separate mother in law apartments, income property with short term rentals like AirBnB's etc. It seems like the right course of action is to see what the actual plans are and address potential concerns before final approval is given.

Another concern in addition to increased traffic is increased noise and preservation of privacy. How will this be addressed? While there was mention of a fence, that does nothing to mitigate either of these. There needs to be a sufficient barrier between the development and the adjacent properties more along the lines of a wall and trees, or a substantial fence Line (6 tall ft vinyl doesn't seem like it would do much and frankly it would be ugly!) We are also concerned that unless a proper (again not a highly reflective white fence or a chain link fence) barrier is included in this plan along the east edge of the proposed development that we will have significant issues with reflective light that will both affect our rooms facing west and damaging to our landscaping with the reflection. Finally, a barrier needs to be sufficient to keep people from using our driveways as cut throughs for walking or driving.

Lastly, I will reiterate the concerns of my parents and uncle when in regards to the irrigation ditch- the driveway cannot be eroded as a result of new construction (we get no benefit from new construction and should not have property damage as a result, however as Paul Mash does own water shares, it is necessary that this be addressed- has anyone met with representatives of Tanner ditch regarding this?) as well as the concerns about Paul Mash's three trees along the property line, which would hopefully be preserved. Thank you for taking the time to review and address these issues concerning the increased traffic, privacy, sound and landscape concerns, irrigation questions and requesting more specific details about the scope of the project and the nature of the buildings.

Mr. Markham said the quiet title was handled by attorneys and is not under the purview of the Planning Commission. Mr. Smallwood added staff requested that be resolved before this item was brought before the Planning Commission. The applicant was ready to do this back in December, but the title had to be addressed. It is a civil matter.

Mr. Markham stated the city does not have a requirement for fences other than what has been stated regarding the masonry walls. The Planning Commission cannot impose any fencing

standards. Each house will not need individual approval as long as they meet the regulations of the R-1-8 Zone. Mr. Markham said he is concerned about the irrigation lines and water rights because he's heard conflicting information. He is not opposed to adding a condition that ditch company approval needs to be secured before this can go forward. Ten homes are not going to significantly impact the traffic and speed on 4800 South. The Planning Commission cannot legislate traffic conditions, that is up to the City Engineer. Ms. Milkavich noted that this applicant is maintaining the zoning R-1-8 where another applicant might not. Mr. Markham said anything that is allowed in an R-1-8 zone would apply to this subdivision. Mr. Woodbury said there will not be duplexes, twin homes, or multi-family homes on this property.

Angie Wilde wrote, *"I realize the quiet title is a civil matter, but you should be concerned because if we overturn it (which we are planning to do) there will not be enough easement for the planned development."*

Mr. Hall reiterated the quiet title is still a civil matter and should not be a concern of the Planning Commission.

The public comment portion was closed.

Kent Beers said he has communicated with Paul Mash regarding the irrigation line and Mr. Mash has proposed that Mr. Beers purchase his shares. Once Mr. Beers owns the property and has approval for the subdivision, he will make Mr. Mash an offer. Mr. Beers has also contacted a water broker who is interested in those shares as well. They will also try to preserve as many of the trees as they can.

Mr. Woodbury said he is fine adding a condition for the applicant to have the ditch company's approval. He asked if the ditch runs through the proposed development. Ms. Milkavich said the ditch runs along the property line. Mr. Woodbury added that sometimes things are put on the public record so people know it's a concern, which they are doing through this discussion about the water rights and ditch. If this development doesn't directly impact the ditch, should the ditch company feel obligated to give approval. He would hate to have the developer held up by something that is only quasi related. Mr. Markham said water rights holders further downstream would say they are impacted. Mr. Woodbury said if they are impacted, then it should be a hard condition.

Mr. Smallwood stated that Ms. Nixon said the ditch company did receive notice of this meeting and they are very active when they have a concern. He added that staff has not received a call from them and they are not at this meeting. Mr. Hacker said he agrees with Mr. Woodbury's statements. Mr. Smallwood said staff anticipated the engineer would go through the things related to the ditch and water rights. Ms. Milkavich asked for some clarification on whether to add a condition or not. Mr. Woodbury said he doesn't feel like the Planning Commission has the ability or need to put a condition for this whole development going forward based on the ditch because the ditch company was notified and had the opportunity to express something, and they didn't do that. He would hate to put a condition that requires the developer to get a formal approval from the ditch company and then not be able to obtain that from them. Ms. Patterson said the first condition states the engineer requirements are they would abandon the existing irrigation stub located at the southeast corner of the project. The developer will work this out with the engineer. The Planning Commission doesn't need to go down this path.

A motion was made by Scot Woodbury to grant Preliminary and Final Subdivision approval for the Mash Farm Estates Subdivision for the property located at 585 East 4800 South, subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
 - a. Meet City subdivision requirements.
 - b. Provide grading, drainage and utility plan and profile drawings.
 - c. Meet City drainage standards, on-site retention/detention is required. Implement Low Impact Development (LID) practices where applicable.
 - d. Meet City utility standards and provide standard PUE's on lots.
 - e. Resolve the existing property gap along north side of parcel 2207228088.
 - f. Replace any damaged curb and gutter and install sidewalk along the 4800 South project frontage.
 - g. Replace any damaged curb and gutter and sidewalk along the Spruce Glen project frontage.
 - h. Remove any unused driveway curb cuts along both 4800 South and Spruce Glen Drive.
 - i. Provide a site geotechnical study and implement recommendations. The study needs to address the proposed site grading, slope stability, roadway and lot fill and the extensive excavation and retaining on lot 9. A Basement on lot 9 may not be possible due to the depth of the excavation at the base of steep slopes – the Geotech must provide some in-site and recommendations for this lot.
 - j. Roadway and building pad fill material is considered "structural" and should meet AASHTO A-1 gradation requirements. Native soils may not be suitable for roadway fill.
 - k. Obtain a City building permit for any retaining walls heights of 4' or greater.
 - l. Abandon the existing irrigation stub located at the southeast corner of the project.
 - m. Provide any required easements and vacate any unused easements within the proposed subdivision area.
 - n. Obtain CID approval for sewer design.
 - o. Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading and construction work.
 - p. Obtain a City Excavation Permit for work within City roadways.
2. The project shall meet all applicable fire code standards and provide adequate numbers and placement of hydrants.
3. The subdivision shall include the installation of street lighting in accordance with Murray City Power Department standards.
4. All lots within the subdivision shall comply with the standards for lots in the R-1-8 Zone as outlined in Section 17.100 of the Murray City Land Use Ordinance.
5. The applicant shall include building envelopes for all lots on the recorded plat.
6. The applicant shall provide staff a copy of the quiet title that was conducted to address the gap in the parcel.

7. The applicant shall follow the requirements of section 16.16.140 regarding double fronted lots.
8. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.

Seconded by Lisa Miklavich.

Call vote recorded by Mr. Smallwood.

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

Motion passed 7-0.

DUAINE RASMUSSEN – 6450 & 6468 South 1300 East – Project #20-040

Duaine Rasmussen was online to represent this request. Susan Nixon reviewed the location and request for a Zone Map Amendment from R-1-8 (Low Density Single Family) to R-1-6 (Low Density Single Family) for the properties located at 6450 and 6468 South 1300 East. Both properties combined equal 20,037 sq. ft. Each lot currently meets the R-1-8 zoning regulations. If this amendment is approved, the applicant would reapply for a subdivision consisting of three lots. The allowed uses in the R-1-8 and the R-1-6 zones are almost identical. The lot size and setbacks are less in the R-1-6. The R-1-8 has a maximum height of 35 feet and the R-1-6 has a maximum height of 30 feet. One of the changes made during the General Plan update was the R-1-6 was categorized as low density, where previously it was medium density. The 6450 South property has an historical home that was built in 1899. It is on the local registry but not the national registry. That does not prohibit the demolition of the home, there is just a process to get the demolition approved. Staff recommends the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment. Ms. Nixon noted she has received a few comments from citizens wanting to know the intention of this project, none of the inquiries were opposed.

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

A motion was made by Travis Nay to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation for the properties located at 6450 and 6468 South 1300 East from R-1-8 (Single Family Low Density Residential) to R-1-6 (Single Family Low Density Residential). Seconded by Ned Hacker.

Call vote recorded by Ms. Nixon.

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

Motion passed 7-0.

LAND USE ORDINANCE TEXT AMENDMENT – Section 17.24 Home Occupation Modifications
– Project #20-028

Jared Hall presented the proposed amendments for Section 17.24 Home Occupation Modifications. A few years ago, the way home occupations were regulated was changed by the State Legislature. Staff had to look at how home occupations were defined and whether they had an impact or did not have an impact to the neighborhood where it is located. Municipalities were basically barred from charging any fees to any home occupation business license that does not have an impact to the neighborhood that it's in. In this text amendment, staff has clearly defined major home occupations versus minor home occupations. The reason for that is to differentiate who is going to be charged for a business license and who is not. Minor home occupations are home occupations that do not have an impact on the neighborhood so the city should not be charging for those. The city would like to stop licensing minor home occupations altogether. To date, staff has been licensing them, it takes a lot of staff time, and State Code does not allow the city to charge a fee for those. The State Code also says that minor home occupations are not required to have a license. If a minor home occupation would like to be licensed, they are opting in, and the city would charge them a fee. The amendment also clears up on-site employees and off-site employees. It also explains the requirements for the use and storage of trailers. Staff has also cleaned up things related to traffic and disruptions.

Mr. Hall noted these changes are being proposed in conjunction with some other changes to the business license regulations that are in Title 5 of the Murray City Code. Staff recommends the Planning Commission forward a recommendation of approval of this land use text amendment to the City Council.

Mr. Hacker asked if a minor home occupation wanted to get a business license if it would preclude them from letting their license expire. Mr. Hall said no, they are in the same category as all the other businesses.

Ms. Wilson asked if there has to be a gate in front of a trailer. Mr. Hall said a trailer would have to be behind a fence or gate or in a garage. Mr. Woodbury asked if a food truck could be parked at a home. Mr. Hall replied a food truck would be over the vehicle weight limit that is allowed for home occupations. Mr. Woodbury asked if a handyman could store something in his garage and rotate it out. Mr. Hall said they are not supposed to use their garages or other facilities on the property for storage. Mr. Woodbury verified that everything related to a business like a handyman or contractor would have to be contained in their trailer. Mr. Hall said that is correct. Mr. Woodbury asked why someone couldn't use a shed in their backyard to store things associated with their businesses. Mr. Hall said if the code allows for a business to use those areas of a home, businesses have a habit of taking over a property in a home occupation.

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

A motion was made by Scot Woodbury to forward a recommendation of approval to the City Council for the proposed text amendment to chapter 17.24 Home Occupations as reviewed in the staff report and provided in the attachment.

Seconded by Maren Patterson.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

LAND USE ORDINANCE TEXT AMENDMENT – Adding LU #5198 to Conditional Uses in the TOD Zone – Project #20-044

Jared Hall presented the proposed amendments. He explained where the TOD Zone was and is about 70 acres. Habitat for Humanity and Salt Lake County Housing were talking about possibly purchasing land from Salt Lake County located along 4500 South and Main Street. Habitat for Humanity is looking for a place to put their “Restore” facility. They would put their offices above that facility and put some affordable housing on the site. Staff is supportive of that idea, but it requires a small change to the City Code. Land Use (LU) #5100 is the Wholesale Trade category, but LU #5198, which has to do with lumber and construction materials, was disallowed in the TOD Zone. Staff is proposing adding a category for LU #5198 to be allowed as proposed: Lumber and construction materials, wholesale and re-sale in buildings with footprints no greater than 30,000 square feet. No outdoor storage. Docks, delivery and staging areas must be screened from public streets. This language would accommodate the Restore facility. Mr. Hall noted of the 70 acres in the TOD Zone, there is not much acreage left, so it is not a big risk to add this.

The meeting was open for public comment.

Mike Brodsky, Hamlet Development, said he is a volunteer for Habitat for Humanity and they have asked him to help work through the entitlement and due diligence process on their facility. This is a joint venture between Habitat for Humanity and Housing Connect. There will be 100 affordable housing units on the site. Mr. Brodsky thinks there may need to be some clean-up in the site but he doesn't think it will be too extensive.

Ms. Wilson asked what types of affordable housing units will be on the property. Mr. Brodsky said it will be 100 stacked apartments in a three-story building.

Susan Nixon read the online comment that was received.

Jeremy Runia wrote, *“Housing Connect fully supports the proposed text amendment change referenced in Agenda item #14. Housing Connect along with our co-partner Salt Lake Valley Habitat for Humanity anticipate developing land located within the TOD overlay zone which will provide needed services and housing for the citizens of Murray.”*

The public comment portion was closed.

A motion was made by Maren Patterson to forward a recommendation of approval to the City Council for the proposed text amendment to section 17.168.050 as reviewed in the staff report.

Seconded by Sue Wilson.

Call vote recorded by Mr. Hall.

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

Motion passed 7-0.

OTHER BUSINESS

Travis Nay made a motion to adjourn. Seconded by Sue Wilson.

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

The meeting was adjourned at 10:00 p.m.



Jared Hall, Planning Division Manager