

The Planning Commission met on Thursday, October 1, 2020, at 6:30 p.m. for a meeting held in accordance with Executive Order 2020-5 Suspending the Enforcement of Provisions of Utah Code 52-4-202 and 52-4-207 due to Infectious Disease COVID-19 Novel Coronavirus issued by Governor Herbert on March 18, 2020 and Emergency Executive Order 20-02 issued by the Mayor on April 1, 2020. The Chair of the Murray City Planning Commission has determined that due to the continued rise of COVID-19 case counts, meeting with an anchor location presents a substantial risk to the health and safety of those in attendance. No physical meeting location will be available. This meeting can be viewed online at www.murraycitylive.com. Public comments can be submitted via email at planningcommission@murray.utah.gov.

Present: Phil Markham, Chair
Scot Woodbury, Vice Chair
Travis Nay
Maren Patterson
Sue Wilson
Ned Hacker
Lisa Milkavich
Jared Hall, Planning Division Manager
Zac Smallwood, Associate Planner
Melinda Greenwood, Community and Economic Development Director
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 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

Sue Wilson made a motion to approve the Findings of Fact for Athame Aesthetics located at 825 East 4800 South, Suite 230; and Findings of Fact for Ace Plumbing & Drain Cleaning located at 5226 South Commerce Drive #2. Seconded by Ned Hacker. A voice vote was made, motion passed 7-0.

ROBERT CAZIER – 388 East Hillside Drive - Project #20-099

Robert Cazier was present to represent this request. Zac Smallwood reviewed the location and request for a Conditional Use Permit for an Accessory Dwelling Unit (ADU) at 388 East Hillside Drive. The property is located in the R-1-8 Zone (single-family residential) and is approximately 0.47 acres in size. There is a private roadway in the back of the property that allows rear access

to the property. The home is 2,474 square feet and the ADU is proposed to be 794 square feet which is approximately 32% of the home. An ADU can be up to 40% of the home and/or cannot exceed 1,000 square feet.

The proposed floor plan shows a family room, kitchen and two bedrooms. There is access to a third bedroom, however, the applicant has indicated that bedroom will be used for his granddaughter when she visits and will not be accessible any other time.

This application came about due to a code enforcement complaint that the property was being used as a short-term rental. This will remedy that problem by turning the property into a long-term rental. The applicant understands that short-term rentals are not allowed in Murray City. Staff is recommending that the Planning Commission approve the Conditional Use Permit.

Robert Cazier, 388 East Hillside Drive, said he would be able to comply with the conditions of approval.

The meeting was open for public comment.

Roger Ford – 345 East Brahma Drive, Murray

Three Comments as per our phone conversation today.

1. He is not paying his fair share of property taxes. Wait a year.
2. Everyone one in neighborhood should be in compliance. Many rentals in hood. Rooms, up and downstairs rentals.
3. Murray City needs to send SL County all information on remodel and tear down permits so houses can be assessed properly for property tax. City has been deficit over the years.

Craig Christensen (phone call)

Mr. Christensen said he was concerned that the property was used as a vacation rental. He wants to be a good neighbor and just wants everyone that uses the private lane to maintain it and be respectful to those that use it.

The public comment portion was closed.

Mr. Markham noted the first public comment was directed toward the City rather than this application.

Ms. Milkavich said she is concerned about the third bedroom in the basement. If it is used as part of the rental it is out of compliance. It seems odd that the applicant's granddaughter will walk through the rental property to that room when she is visiting. Mr. Markham stated that was a concern with all the members of the Planning Commission. He explained that the Commission has to take the applicant at his word for the conditions that are attached to the application. One of those conditions deals with the third bedroom and that it is not part of this ADU and that the property will not be used for short-term rentals. If problems arise it will be up to the City's Code Enforcement to deal with those issues.

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 the property addressed 388 East Hillside Drive, subject to the following conditions:

1. The project shall comply with all applicable building and fire code 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 ADU 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(l) 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 Residential 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 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.

DUTCH BROS COFFEE – 5546 South 900 East - Project #20-101

Nick Wecker was present to represent this request. Zac Smallwood reviewed the location and request for a site plan and architecture review for a new building at 5546 South 900 East. The property is located in the Commercial Development (C-D) Zone. Any new buildings in a C-D Zone have to be reviewed by the Planning Commission. The proposed building will be 861 square feet. There will be two stacking lanes to get people in and out and any overflow will spill out into the parking area. The proposed building will eliminate approximately 44 parking spaces from the parking lot; however, staff feels there is still ample parking on the site even with the removal of those spaces. This proposed building will have no inside seating. It will be a drive-thru with a walk-up counter service. Staff is recommending the Planning Commission approve the site and architectural review to allow the construction of a new building.

Nick Wecker said they will have a canopy over the walk-up window. He said they are adding additional landscaping to beautify the area. He said they will be able to comply with the conditions of approval.

Mr. Hacker said since there is a walk-up window and no inside seating and asked if they have thought about having outside tables. Mr. Wecker said they find most of their customers are in between destinations and on their way somewhere so they don't have any outdoor seating planned for this site. Mr. Markham asked if there would be the potential to add something like that in the future. Mr. Wecker said they have added tables to other locations before so they could look into it.

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

Mr. Nay said he appreciates the way the applicant is handling the queuing at this location and being able to keep the cars internal on the site is key to the success of this business.

A motion was made by Ned Hacker to approve the Site Plan and Architectural Review to allow the construction of a new building for a drive through coffee business on the property addressed 5546 South 900 East, subject to the following conditions:

1. The applicant shall meet all requirements of the City Engineer, included but not limited to the following;
 - a. Meet City storm drainage requirements, on-site retention of the 80th percentile storm is required. Implement Low Impact Development (LID) practices.
 - b. Obtain a UDOT site access review and any required UDOT permits. Access consolidation may be required.
 - c. Replace any damaged sidewalk along 900 East project frontage.

- d. Develop a site SWPPP and implement prior to beginning any work.
 - e. Obtain a UDOT Encroachment Permit for work in the 900 East right-of-way.
2. The applicant shall meet with the Murray City Power Department to discuss connecting to Murray City Power.
 3. The applicant shall work with the Murray City Sewer Department and the Cottonwood Improvement District to ensure that sewer service is provided.

Seconded by Lisa Milkavich.

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.

OTHER BUSINESS

Sue Wilson made a motion to adjourn. Seconded by Lisa Milkavich.

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

The meeting was adjourned at 7:04 p.m.



Jared Hall, Planning Division Manager