

The Planning Commission met on Thursday, November 5, 2020, at 6:30 p.m. This meeting occurred electronically without an anchor location in accordance with Utah Code 52-4-207(4), due to the infectious disease COVID-19 Novel Coronavirus. The Planning Commission Chair determined that conducting a meeting with an anchor location presented substantial risk to the health and safety of those who may be present at the anchor location because physical distancing measures may be difficult to maintain in the Murray City Council Chambers. This meeting was held via video conference and the meeting was livestreamed at www.murraycitylive.com. Public comments were 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
Zac Smallwood, Associate Planner
Susan Nixon, Associate Planner
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.

Scot Woodbury opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Ned Hacker made a motion to approve the minutes from the October 15, 2020 Planning Commission meeting. Seconded by Phil Markham. A voice vote was made, motion passed 7-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

There were no findings of fact.

BIG DAWG STITCH & SCREEN – 312 West Vine Street - Project #20-112

Marnie Sanchez was present to represent this request. Zac Smallwood reviewed the location and request for a Conditional Use Permit to operate an embroidery and screen print design business at the property located at 312 West Vine Street. The property is located in the Mixed-Use (M-U) Zone which allows for industrial type uses to operate with a Conditional Use Permit as long as the business does not occupy more than 12,000 square feet; this unit is 3,425 square feet. Staff is recommending that the applicant be allowed to forego the landscaping and public improvement

requirements on this site because it is anticipated that this site will be redeveloped in the near future. The Murray School District building located across the street, has the street improvements that staff believe are adequate and provide a safe walking environment for pedestrians walking along Vine Street.

The applicant operates an embroidery business and has three employees. They are required to have five parking spaces. They have two in the front of the property and six on the side and rear of the property, for a total of eight parking spaces. Currently, there are no trash enclosures on this site. If the applicant needs a dumpster and chooses not to install an enclosure for it, the dumpster would need to be moved inside the building.

Marnie Sanchez, 312 West Vine Street, said she there are two dumpsters located at the back of the property. She's not sure how to install an enclosure and would need permission from the dumpster company to ensure they would be able to access the dumpster. There are no sprinklers on the strip in front of the building so if they are required to do landscaping, they will have to put in rock or mulch. She has looked at the conditions of approval and the only two that are concerning is the dumpster enclosure and landscaping.

Mr. Smallwood said the City requires that dumpsters are enclosed with a solid fence and have gates so the dumpster can be accessed. The enclosure would most likely have to be installed by the property owner. That will need to be worked out and addressed between the property owner and the applicant. This, and all the other conditions, will have to be met before a business license will be issued. Ms. Sanchez asked why the dumpsters on the property weren't required to have the enclosure before. Mr. Smallwood replied the other businesses on the property may have permitted uses and may not have had to go through any zoning approvals or a Conditional Use Permit process.

Ms. Milkavich said the existing businesses on the property were still required to have the dumpster enclosure, they just didn't get caught not having it. It is also likely that any other applicant coming to this site will have this requirement, so hopefully the property owner will be interested in enclosing the dumpster. Mr. Woodbury asked if the City would be able to work with the property owner to get the other dumpster enclosed. Mr. Smallwood said they could do that.

Mr. Woodbury said the Planning Commission understands that this is the property owner's responsibility. The purpose behind the conditions is so applicants understand the City Code and what the City requires. The Planning Commission encourages applicants to work with the property owner and City to ensure there is compliance with their application.

Ms. Sanchez asked if Utah Transit Authority (UTA) would be buying this property anytime soon. Mr. Smallwood said he cannot speak to that as the UTA project is still in the planning phase. Staff is anticipating that this property will be redeveloped and through the right-of-way acquisition, sidewalks and curb and gutter would be installed. They have made an exception for this applicant by eliminating the requirement to install new sidewalks and curb and gutter, which is normally a standard requirement.

Ms. Nixon added that a copy of the staff report, with the conditions, was mailed to the property owner.

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

Ms. Patterson said she understands the decision to not require any of the public improvements but conditional uses are often used to help hold property owners accountable to meet the City Ordinances and standards, especially with landscaping. She would like to see some kind of landscaping requirement on the property.

Ms. Milkavich asked what the landscaping requirements would be for this area. Mr. Smallwood said he has not studied the site in depth. It is a fairly large site and there would probably need to be some significant landscaping improvements throughout the entire site. Ms. Nixon said in past situations like this, staff has tried to keep the improvements proportional to the amount of space that an applicant is taking. That way, an applicant doesn't have to improve the entire property when they are only taking up part of it.

Ms. Milkavich said she would like the Planning Commission to be consistent with applicants, but she also doesn't want to require an applicant to put a ton of money into something that the City knows will probably change relatively soon. Ms. Patterson said she agrees. This site has not been up to the City's standards for a long time, however, she would like to have the applicant do something to improve the site until it gets redeveloped.

Mr. Smallwood said he liked Ms. Nixon's suggestion. They could add something saying the applicant shall work with staff to develop a landscaping that meets a portion of the property. Ms. said the frontage landscaping is the most noticeable part of the property. Ms. Wilson said this is an opportunity to make the property look a little better. Since there is no timeline on when improvements or changes might be, they should ask for a landscaping plan.

Mr. Markham said this would place a lot of pressure on staff to make decisions that could determine whether the applicant can or cannot operate at this location. He thinks that staff needs some guidelines, but the Planning Commission is not qualified to say what kind of landscaping should go in. He thinks they should either make an exception in this case because it is a unique circumstance or they hold the applicant to the full measure of the ordinance. Ms. Milkavich said she feels they should take advantage of this opportunity to enhance the appearance of the property. Mr. Markham said it will take a tremendous amount of money and work to make that property look good.

Ms. Sanchez said the property owner has added a raised planter bed in front of the property. Ms. Patterson said the landscaping at the Murray School District building across the street from this property is typically what is required, which is different than adding a planter. Mr. Markham reiterated that they either need to do this right or recognize that this is a unique situation.

Mr. Nay said this is the first project that he can think of where landscaping improvements have not been required. This is also the first time that he is supportive of not requiring landscaping. This general area is primed for change. There are a number of properties that will eventually be acquired and there will be a lot of change in the area. Mr. Woodbury said that no one knows what is going to happen and there is a lot of room for redevelopment in this area. They either need to make an exception or hold the applicant to the standard that the City has laid out. This property has not been kept up to City standards but he doesn't see a reason for an exception.

Mr. Smallwood said the ordinance states that if there are improvements greater than 50% of the assessed value of the property, then those improvements will be required. If the Planning Commission would like to require landscaping then the sidewalk, curb and gutter would not be required to be installed.

A motion was made by Phil Markham to approve a Conditional Use Permit to allow the operation of a commercial embroidery and screen printing business on the property located at 312 West Vine Street, subject to the following conditions:

1. The applicant shall comply with all applicable Building and Fire Codes.
2. The dumpsters shall be relocated inside the building or shall be placed inside a trash enclosure meeting the requirements of Section 17.76.170 of the Murray City Land Use Ordinance.
3. A minimum of five (5) parking spaces will be maintained associated with the subject property (312 W. Vine Street), including an ADA compliant space in front of the building. Employees will park in the spaces provided on the north side (rear) of the building.
4. The applicant shall obtain a Murray City Business License before commencing operations on the site.
5. The applicant shall comply with all requirements of Section 17.146.040 of the Murray City Land Use Ordinance, including:
 - The use will not occupy more than 12,000 square feet.
 - Deliveries and shipping will not occur outside normal business hours.
 - No outdoor storage of materials or supplies is allowed.

Seconded by Travis Nay.

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.

During the voting, Ms. Patterson, Ms. Milkavich, and Mr. Woodbury expressed that this is arbitrary and they hope the property is developed soon, but they would support the motion.

BROOKE & CATHY THOMAS – 5112 South Honey Clover Court – Project #20-114

Brooke Thomas 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 5112 South Honey Clover Court. The property is located in the Single-Family Residential (R-1-8) Zone which allows for ADU's, subject to a Conditional Use Permit. The property is on a .25 acre site and is 3,525 square feet. The proposal is for a 950 square foot ADU which is about 27% of the main dwelling. The property has a two car garage as well as additional parking on the side and in front of the

property.

The applicant had requested to have an exterior entrance on the corner side-yard, which the City does not allow. Additionally, an entrance on the side yard would have encroached on the side-yard setback. After discussions with the applicant, the decision was made to eliminate the exterior entrance as the Murray City Code does not state that there must be an exterior entrance to an ADU. If the applicant decided to add an exterior entrance in the rear of the property in the future, that could be done with a building permit. Staff is recommending that the Planning Commission approve this Conditional Use Permit.

Brooke Thomas asked about separate heating. Mr. Smallwood replied that separate heating is required and typically that is through baseboards. That will be worked out during the building permit process. Mr. Thomas said he can comply with the conditions of approval.

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

A motion was made by Travis Nay to approve a Conditional Use Permit to allow the construction and/or operation of an Accessory Dwelling Unit at the property addressed 5112 South Honey Clover Court, 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 standards outlined in Chapter 17.78 of the Murray City Land Use Ordinance.
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 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 Sue Wilson.

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

Mr. Hacker said the Wasatch Front Regional Council has been holding regional workshops with multiple cities. The workshop for the southeast portion of Salt Lake County will be held on November 23, 2020 from 4:00 p.m. to 6:00 p.m. The workshop consists of an update from the Regional Council to the City staff and elected officials about the visioning and long range planning process.

Phil Markham made a motion to adjourn. Seconded by Ned Hacker.

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

The meeting was adjourned at 7:28 p.m.



Jared Hall, Planning Division Manager