

The Planning Commission met on Thursday, January 21, 2021, at 6:30 p.m. for a meeting held electronically in accordance with Utah Code 52-4-207(4), due to 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.

The public was able to view the meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/Murraycityutah/>. Anyone who wanted to make a comment on an agenda item at the meeting registered at: <https://tinyurl.com/pc012121> or submitted comments via email at planningcommission@murray.utah.gov.

Present: Maren Patterson, Chair
Ned Hacker, Vice Chair
Travis Nay
Sue Wilson
Lisa Milkavich
Jeremy Lowry
Jake Pehrson
Jared Hall, Planning Division Manager
Zac Smallwood, 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.

ELECTION OF OFFICERS FOR 2021

Maren Patterson opened the meeting and welcomed all. Ms. Patterson explained that the meeting is livestreamed via Zoom due to concerns related to Covid-19.

Ms. Patterson stated there is an officer election for 2021 and opened nominations for the 2021 Chair.

Lisa Milkavich nominated Maren Patterson as Chair and Sue Wilson seconded.

Ms. Patterson opened nominations for the 2021 Vice Chair.

Ms. Wilson nominated Ned Hacker as Vice Chair and Travis Nay seconded.

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

Ms. Patterson introduced all commissioners and welcomed two new commissioners: Jeremy Lowry and Jake Pehrson.

APPROVAL OF MINUTES

Mr. Hacker made a motion to approve the minutes from the January 7, 2021 Planning Commission meeting. Seconded by Ms. Milkavich. A voice vote was made, motion passed 7-0.

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 a Conditional Use Permit for Ambulatory Surgical Center, TOSH. Seconded by Travis Nay. A voice vote was made, motion passed 7-0.

DEPOT COMMERCIAL– 248 West 4860 South – Project #21-006

Zachary Smallwood reviewed the location and request for approval of a Temporary Conditional Use Permit to allow a mobile office structure located at 232 and 248 West 4860 South. The property is located in the M-U, Mixed Use zone. The mobile office will serve as their business location while a permanent building is being constructed on the site. The applicant has received Site Plan approval for the office building from the Planning Division Staff, as required by chapter 17.54 Site Plan Review. The application is not for the mobile office building itself, but the use as a temporary office to conduct business. The mobile office building will be used as both the construction office for the permanent building and, if approved, a temporary office to conduct the applicant's business as a construction contractor. The applicant states that the proposed mobile office will not have more than four (4) employees at a time.

Mr. Smallwood showed the site plans and explained there are overhead power lines running all throughout this property and the applicant had obtained a variance to build there. He showed the temporary location of the mobile office. Mr. Smallwood stated that they want to run their business operations out of this mobile space while they build their building. Mr. Hacker asked about the type of business that will be conducted. Mr. Smallwood explained the business is a multi-tenant building that is largely intended for industrial uses.

The applicant, Clint Tolman, asked what type of inspection will be needed if they elect to install the restroom facilities. Mr. Smallwood explained the inspections will be done during the business licensing process. Mr. Tolman asked if the temporary wastewater would suffice until they can officially obtain sewer hookup. Mr. Smallwood referred him to the water superintendent to make sure that will be allowed.

Mr. Tolman stated the 211 West office is in the building across the street which they own. He explained the business is a construction company, Colt Builders, and another company, Gold Stream. He stated most of the times the employees are in the field and typically there will only be 2-4 people working out of the mobile office at any given time.

Ms. Patterson opened the meeting for public comment.

No public comments had been received and none were made. Ms. Patterson closed the public comment portion.

Sue Wilson made a motion that the planning commission approve the Temporary Conditional Use Permit request for 18 months subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall work with the Wastewater Division to ensure any restroom facilities are installed appropriately.
3. The applicant shall ensure that no construction parking is located on Commerce Drive or 4860 South.

Seconded by Ned Hacker.

Call vote recorded by Mr. Smallwood.

 A Maren Patterson
 A Lisa Milkavich
 A Travis Nay
 A Sue Wilson
 A Ned Hacker
 A Jeremy Lowry
 A Jake Pehrson

Motion passed 7-0.

AXIS AUTO BROKERS, LLC – 4555 South Commerce Drive #200 – Project #21-007

Jami Hansen was present to represent this request. Zachary Smallwood reviewed the location and request for approval of a Conditional Use Permit to allow Vehicle Sales at 4555 South Commerce Drive #200 in the M-G, Manufacturing General. There is a 2,900 ft² warehouse with two overhead doors. The conditional use will require some landscaping along Commerce Drive and a sign permit. Mr. Smallwood explained there is a Murray City owned right-of-way and the property to the north is owned by UDOT. He mentioned no more than 5 vehicles will be on site for sales at any one time. The applicant has said they will keep any sale vehicles inside the building. One of the conditions is restriping of the parking lot. An email from the applicant was sent this evening addressing those conditions. Staff recommends approval of the Conditional Use Permit.

Mr. Nay asked about the striping and how many ADA stalls are required for this site. Mr. Smallwood stated the restriping is only required for the 5 spaces, but the property owner would like to re-stripe the entire property and the location of the ADA stalls is typically left up to the property owner, but need to be as close to the main entrance as possible.

Ms. Patterson asked if the applicant is present. Jami Hansen, 3813 East Evelyn Drive, Salt Lake City, introduced herself. Ms. Patterson asked if she has read all the conditions and is willing to accept them. Ms. Hansen replied yes. She added they have been in contact with the property owner about the restriping as well as the landscaping. She added the application has been submitted for the sign permit.

Ms. Patterson opened the meeting for public comment.

The following public comment was emailed by the property owner and read by Mr. Hall:

Tom Monson of Towers and Company – Murray City wrote:

For conditional use permit for Axis Auto Brokers LLC, as the property owner we will install the additional landscape elements required and we will stripe the parking to comply with the pertinent land use ordinances. However, we would like to wait until spring to do both, we have budgeted for and have plans to re-pave and repair the parking areas in front of both buildings in the spring and will re-stripe the parking spaces at that time. A second question for the commission about the access to the property. If the driveway is a public right of way that is owned by Murray City, whose responsibility is it to maintain the right of way? It is in severe disrepair.

Mr. Smallwood addressed the right-of-way question and referred the property owner to the streets department for the repair.

Mr. Monson was present and commented that he has previously talked to the City Street Department. The road is in seriously bad shape. There are potholes that would swallow a car. He plans to repave and re-stripe the parking but would not be able to repave the right of way. Ms. Patterson explained the right-of-way is not part of the conditions for this application.

Ms. Patterson asked if there were any other public comments.

The public comments portion was closed.

Mr. Nay asked if there is a vacation of right-of-way process that exists. Mr. Hall stated that there is a process to vacate. Rights-of-way are interesting because they are property that's held by the municipality, but they are not parceled land that can simply be granted or sold. In this case there are utilities under the access which are more closely overseen than the access itself. The City kept the right-of-way property, but it no longer looks or feels like public right-of-way and the streets department may not know what their obligations are with it. There is a process to vacate, but the utilities make vacation problematic.

Mr. Nay made a motion to approve the Conditional Use Permit to allow the operation of the Vehicle Sales business for the property located at 4555 South Commerce Drive #200 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 provide a minimum of five (5) parking stalls to the north of the building to be reserved for customers and employees.
4. The applicant and/or property owner shall work with Planning Division Staff to stripe parking the complies with the Murray City Land Use Ordinance including ADA spaces.
5. The applicant shall maintain clear, appropriate vehicular access to the overhead doors on the building at all times.

6. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
7. The applicant shall maintain a Utah Motor Vehicle Dealer's License.
8. The property owner shall install additional landscape elements to meet the requirements of Section 17.68 of the Murray City Land Use Ordinance as outlined in the Staff Report.
9. The applicant shall obtain a Murray City Business License prior to beginning vehicle sales operations at this location.

Seconded by Lisa Milkavich.

Call vote recorded by Mr. Smallwood.

 A Maren Patterson
 A Lisa Milkavich
 A Travis Nay
 A Sue Wilson
 A Ned Hacker
 A Jeremy Lowry
 A Jake Pehrson

Motion passed 7-0.

LAND USE ORDINANCE TEXT AMENDMENT – Planning Commission Compensation – Project #21-003

Mr. Hall reviewed the request for a text amendment to update Chapter 17.12.070, Planning Commission Compensation, of the Murray City Land Use Ordinance. Mr. Hall explained that the planning commission compensation was raised in 2019 from \$25 to \$40 per meeting, but that the ordinance that establishes the dollar amount had not been changed. He mentioned that in preparation to make the change staff had decided to recommend that instead of listing the dollar amount we state that the amount will be determined by the Office of Mayor and adopted by the City Council. That will mean essentially that the compensation amount is determined through the City's regular budget process. Mr. Hall added that Susan Nixon, Associate Planner, did research to compare compensation of other cities in the valley. Mr. Hall stated that staff recommends the Planning Commission forward a recommendation of approval to City Council for the request to update Section 17.12.070, Planning Commission Compensation.

Ms. Patterson opened the meeting up to public comment.

The public comments portion was closed.

Mr. Hacker made a motion to forward a recommendation of approval to the City Council for the request to update Chapter 17.12.070, Planning Commission Compensation, of the Murray City Land Use Ordinance.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

A Maren Patterson

 A Lisa Milkavich

 A Travis Nay

 A Sue Wilson

 A Ned Hacker

 A Jeremy Lowry

 A Jake Pehrson

Motion passed 7-0.

OTHER BUSINESS

Mr. Hall stated the next meeting has a light agenda. Ms. Wilson asked if there is any more information on the Galvin property and whether it will be a through street or cul-de-sac. Mr. Hall explained that the most recent update is the City Council wants the staff to make a presentation to them about the possible use of eminent domain in connecting the road. The delay was because the traffic study had a flaw in it, and the City Engineer wanted it re-done before staff presented anything to the Council on the use of eminent domain. Mr. Hall also added that the City Council will be looking at the MCCD design guidelines that the commission has recommended.

Sue Wilson made a motion to adjourn. Motion seconded by Travis Nay. A voice vote was made, motion passed 7-0.

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

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

Jared Hall, Planning Division Manager