

The Planning Commission met on Thursday, February 4, 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/pc020421> 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
Susan Nixon, Associate Planner
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.

APPROVAL OF MINUTES

No Minutes to be approved

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 Axis Auto Brokers, LLC at 4555 South Commerce Drive #200 and Depot Commercial Temporary Conditional Use Permit at 232 and 248 West 4860 South. Seconded by Ned Hacker. A voice vote was made, motion passed 7-0.

WYNWOOD SUBDIVISION– 709 West Wynwood Park Drive - Project #19-022

Susan Nixon reviewed the location and request for approval of a six-month extension of the temporary conditional use permit allowing the parking lot at 708 West Wynwood Park Drive located across the street from the Wynwood Subdivision's model home. The Planning Commission granted Temporary Conditional Use Permit approval for the parking lot on February 21, 2019. Per Section 17.56.100, Planning Staff granted time extensions expiring February 21, 2021. The applicant has requested an additional time extension based on "hardship or unusual circumstances" as allowed by the ordinance.

Ms. Nixon showed the site plans and explained the parking lot has been utilized well and helps to lower the number of cars parking on the street during construction. The applicant is requesting another six-month extension and can potentially have another to total 12 months. Section 17.56.100 of the Land Use Ordinance does indicate that where there is a hardship or unusual circumstances the Planning Commission may extend the temporary permit for up to one more year in two six-month extensions. There was some contamination on the south side of the subdivision property and the hardship may be associated with the lengthy clean up. Staff recommends the approval of the extended Temporary Conditional Use Permit.

Ms. Patterson asked if the applicant, Jacob Ballstaedt of Garbett Homes, has read all the conditions and willing to comply. Mr. Ballstaedt affirmed.

Ms. Patterson opened the meeting for public comment. No comments were given and the public comment portion for this agenda item was closed.

Jeremy Lowry made a motion and that the planning commission approve a six-month extension of the Temporary Conditional Use Permit to allow for a parking lot at the property addressed 709 West Wynwood Park Drive, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain a Murray City building permit for any proposed signs.
3. The applicant shall provide a grading and drainage plan to the City Engineer.
4. The subject property must meet city storm drainage requirements, on-site detention / retention is required.
5. The Temporary Conditional Use Permit will expire August 21, 2021. One additional six-month extension may be requested prior to expiration or the parking lot must be removed from the property.

Seconded by Travis Nay.

Call vote recorded by Ms. Nixon.

 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.

MASTER MUFFLER – 6790 South State Street – Project #21-009

William Leavitt and Brian Everall were present to represent this request. Zachary Smallwood reviewed the location and request for approval of a Conditional Use Permit to allow the construction of an Electronic Message Center (EMC) sign on the subject property at 6790 South State Street. It is located in the C-D zone which does allow for electronic messaging. He showed the image of the old sign and new sign which are not changing too much. The marquee portion of the old sign will be replaced with the electronic unit. The applicant would like to refurbish the existing sign and include an electronic message center component with it. Electronic Message Center Signs are signs that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix. He explained all of the items required, that the sign will not exceed the 0.3 foot candle brightness over ambient lighting, that any message on the EMC will remain lit for no less than two seconds, that the sign will not be operated between 10pm and 6am the next day, and 5% of the use of the EMC will be for public messages which is most likely time and temperature. He clarified the set-back distance as 12 ft. Staff recommends approval of the Conditional Use Permit.

Ms. Patterson asked if the applicant is present and to introduce themselves. William Leavitt introduced himself and stated that his business address was 1605 East Oxford Club Circle, Draper, Utah. He also indicated he has reviewed the staff recommendations and will comply.

Ms. Patterson opened the meeting for public comment.

The following public comment was emailed and read into the record:

Joanne – South 67 Condo resident, Murray City:

I'm in FAVOR of this request from William Leavitt to change sign at Master Muffler. Electronic messaging is beneficial to the area, and I see it as a plus for neighborhood. Master Muffler has been an exceptional business. Always, cognizant of best practices. Friendly, kind, clean.

Brian Everall indicated he is the owner of Master Muffler. He thanked the council for their participation and is glad they all like his proposed sign.

Ms. Patterson asked if there were any other public comments. There were none.

The public comments portion was closed.

Ms. Milkavich made a motion to approve the Conditional Use Permit to allow the construction and operation of an electronic messaging sign at the property addressed 6790 South State Street subject to the following conditions:

1. The applicant shall obtain a sign permit from the Murray City Building Division.
2. The sign shall comply with all applicable building and fire code standards.
3. The applicant shall comply with all standards for signs as outlined in Section 17.48, Sign Code, of the Murray City Land Use Ordinance.

Seconded by Mr. Lowry.

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.

JOSHUA & TIFFANY SATO – 398 East Hillside Drive – Project #21-010

Tiffany Sato was present to represent this request. Mr. Smallwood reviewed the request for Conditional Use Permit approval to allow the use of an accessory dwelling unit (ADU) on the subject property in the R-1-8 Zone. It is a 0.4-acre site with a 2,890 square foot primary residence and proposing a 933 square foot accessory dwelling unit. The proposed ADU represents 32% of the primary dwelling square footage, which does meet our code. The ordinance requires additional parking space for ADUs. The applicants have provided a back driveway area for more parking. Mr. Smallwood indicated that the application meets all the requirements of the Land Use Ordinance for accessory dwelling units and that staff was recommending approval for this conditional use permit subject to the 13 conditions.

Ms. Patterson asked the applicant to state their name and address. The applicant introduced herself as Tiffany Sato, residing at 398 East Hillside Drive, Murray. She stated she has seen the 13 conditions and is willing to comply.

Ms. Patterson opened the meeting up to public comment. No comments were given and the public comment portion for this agenda item was closed.

Sue Wilson made a motion to approve the Conditional Use Permit to allow the construction and/or operation of an Accessory Dwelling Unit at the property addressed 398 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 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(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 Department 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 Airbnb or VRBO.

Seconded by Jake Pehrson.

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.

CUSHING WOODS SUBDIVISION– 4733 & 4737 South Hiddenwoods Lane - Project #20-100

The applicant was not present to represent this request. Susan Nixon reviewed the location and request for approval of to consolidate Lots 4 and 5 of the Cushing Woods Subdivision. Both properties are located within a recorded subdivision plat. The property addressed 4733 South Hiddenwoods Lane (Lot 4) has a single-family dwelling. The property addressed 4737 South Hiddenwoods Lane (Lot 5) is vacant with a motorhome and a playhouse on the property. Both properties are in the Cushing Woods Subdivision, in the R-1-8 Zone. The proposed lot consolidation will meet the minimum area requirements and setbacks for existing structures as in the R-1-8 zone. The requested consolidation of the two properties will result in a single, 25,059 ft² lot. Ms. Nixon explained the site plans showing the lots, and that state law does allow the combining of two lots within a subdivision. She explained that they do not necessarily have to record a plat. If the lot combination is approved, they have the option of recording deeds afterwards instead. There is a large sewer easement that runs along both lots which will remain in place. Because of those easements, the Board of Adjustments previously granted front yard

setback variances of 20 feet. There is also an easement between Lots 4 and 5, and the applicant could get a license to encroach, or he could vacate that easement. There is a dwelling on Lot 4, but Lot 5 is a vacant with an accessory structure and playground. This proposed lot combination is the result of a code enforcement issue. The fence between the properties does not meet requirements for height and setback, and vehicles need to be parked on a hard surface. Section 17.100.090 of R-1-8 Zone requires that accessory structures be compatible with the exterior colors and materials of the primary dwelling or should utilize earth tones. Ms. Nixon emphasized staff's recommended condition #10 explaining that Murray City Subdivision code no longer allowed the creation of new residential lots on private roads, and that the change would prevent future subdivision of the property. Travis Nay asked for clarification on the fencing and Ms. Nixon showed the site plan, and where the fence should be on the property. The applicant, Mr. Hall, has not decided if he will build an accessory dwelling unit or make an addition to the home. The accessory structure on Lot 5 is not legal because there is no primary dwelling. Consolidating the two properties is intended to make the accessory structure legal.

Ms. Patterson opened the meeting up to public comment.

The following public comments were emailed and read into the record:

Craig Ames for Cushing Woods HOA

On behalf of Cushing Woods HOA note the following-- 1. The original CC&R's for the HOA only allow single family homes on the lots. We are disappointed that approval of combined Lots, overrides the HOA CC&R'S and thereby allows a use of Lot 5 that does not meet the CC&R's requirement for a single-family dwelling. 2. Lot 5 has been a vacant lot from initial approval back in approximately 2005. Lot 5 has since been used for illegal accessory uses - City Code enforcement has ignored the illegal accessory uses. Approval of combining the 2 lots as is, amounts to a complicit approval of illegal accessory uses. We are pleased however, that accessory uses on the larger Lot will now clearly have to meet R-1-8 zoning requirements and be more manageable. 3. Please clarify front yard setback lines, parking access and associated paving requirements, and landscape and time for completion to bring the lot into code and zoning compliance. Also address front yard fencing -- location and height requirements; color compatibility for existing structures 4 Clarify requirements, if allowed, for a future Accessory Dwelling Unit, or a detached garage etc.

Stan Ball – Murray Resident

The only question I have is if you combine the lots. Can he turn it into a junk yard with cars motorhome that have never been moved or driven and is not registered for years. They drive in the mud and track it all the way up to 4800 south. Would he have to pave a driveway to drive on? I am not sure what the rules would be for the use of the lot.

The public comments portion was closed.

Ms. Patterson asked Ms. Nixon if she wanted to address any of the comments. Ms. Nixon stated that a property can have 2 driveways if approved and the consolidation legalizes the structure. The front yard cannot be used for parking and the drive accesses need to lead to a garage, carport, or rear of the yard. The city does not allow junk yards or junk vehicles. Code

enforcement is aware of this property and if the lot combination is approved, other issues that still do not comply will be addressed by them.

Ms. Milkavich asked about CC&Rs and the city ordinances. Ms. Nixon explained that CC&Rs are separate from the city's regulations. The City does not enforce CC&Rs: that would be up to the HOA.

Mr. Pehrson made a motion that the Planning Commission approve the Cushing Woods Subdivision Amendment for consolidation of Lots 4 & 5, located at 4733 & 4737 South Hiddenwoods Lane, subject to the following conditions:

1. The new lot shall comply with the requirements of the R-1-8 Zone as outlined in Chapter 17.100 of the Murray City Land Use Ordinance.
2. The application shall meet all Murray City requirements for subdivision amendment and lot combination.
3. If a plat is going to be used, the plat needs to Amend Lots 4 & 5 and not vacate.
4. The Public Utility Easements (PUEs) and other easements on the existing lot(s) must remain in place.
5. Per Section 17.68.060 of the Murray Land Use Ordinance, landscaping shall be installed per in the front yard area within one year of the date of lot consolidation approval.
6. The new lot shall meet the fencing regulations of Section 17.64.020 with the 20-foot front setback variance. The existing fence on lot 5 shall be modified to meet the requirements.
7. The new lot shall meet parking regulations per Sections 17.76.150 and 17.100.090.
8. Construction of a structure over the contiguous easement between Lots 4 & 5 is prohibited
unless a license to encroach has been issued or the easement(s) have been vacated.
9. Proof of recordation of Notice of Approval of Lot Consolidation and Conveyance documentation shall be submitted to the Murray City Community & Economic Development Department.
10. Murray City Subdivision code no longer allows creation of new residential lots on private roads. This change will prevent this property from being subdivided in the future.

Seconded by Ned Hacker

Call vote recorded by Ms. Nixon.

 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. Smallwood explained that there is a new project that will be coming to the Planning Commission. The Vine is a mixed use building to be located where the old First Ward building was.

Ms. Nixon addressed that annual training may be delayed due to the moratorium. Travis asked if the League of Cities and Counties is still offering Land Use 101 trainings and stated those were helpful for him.

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 7:30 p.m.

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

Jared Hall, Planning Division Manager