

Minutes of the Planning Commission meeting held on Thursday, July 1, 2021, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

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 may submit comments via email at planningcommission@murray.utah.gov.

Present: Maren Patterson, Chair
Ned Hacker, Vice Chair
Travis Nay
Sue Wilson
Lisa Milkavich
Jared Hall, Planning Division Manager
Susan Nixon, Associate Planner
Zachary Smallwood, Associate Planner
Briant Farnsworth, Deputy City Attorney
Citizens

Excused: Jeremy Lowry
Jake Pehrson

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

Ned Hacker made a motion to approve the minutes from June 17, 2021. Seconded by Travis Nay. A voice vote was made, motion passed 5-0.

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 KL Ventures for a Conditional Use Permit to allow a private gym business within the M-G Zone located at 333 West 6160. Seconded by Lisa Milkavich. A voice vote was made, motion passed 5-0

JEFFERSON PARK NO 3 SUBDIVISION – 6527 South Jefferson Street – Project #21-064

The applicant, Boardwalk Industries is requesting a Conditional Use Permit to allow a Single-Family Residential Infill and Preliminary / Final Subdivision approval for Jefferson Park No. 3 at property addressed 6527 South Jefferson Street. Ms. Nixon presented the request. Staff determined that the duplex and single-family home are legal non-conforming. They were built in 1950 and 1955 and met the code at the time which allowed them to be on the same parcel. In order for them to maintain the nonconforming status the property would not be able to be subdivided splitting the duplex from the single-family dwelling, otherwise the duplex would be required to be removed. The applicant has proposed to move the property line to the west in order to retain the duplex and single-family home. Because the properties are parcels by metes

and bounds, state law does allow planning staff to review and approve those boundary line adjustment requests. The applicants applied for the boundary line adjustment, staff felt they met the conditions and it was approved and recorded. The proposal before the commission includes 4 lots on 1.46 acres to be developed on the property addressed 6527 South Jefferson Street. The subdivision request is a single-family residential subdivision with a total of 4 new lots on a new public cul-de-sac which is the extension of a stub street, 130 West Street. The proposed subdivision will have no frontage on Jefferson Street. The proposed lot sizes range from 10,244 ft² to 18,832 ft². The proposal includes 4 lots, accessed from 130 West Street (50' right of way) and a 100' diameter cul-de-sac. The proposed lots can meet all the standard requirements for the R-1-8 zone with exception of the front yard setback. For this reason, the applicants are requesting the Residential Infill approval in order to allow 20-foot front yard setbacks. The four lots have considerably more area than the 8,000 ft² minimum required, but Lot #3 is shallower and is approximately 85' deep. Staff is recommending the approval of a Conditional Use Permit to allow a Single-Family Residential Infill and Preliminary / Final Subdivision approval for Jefferson Park No. 3, subject to the eleven conditions.

Applicant, Cheyene Winget was present and stated his address as 6573 South John David, Murray, and stated his willingness to comply with all the conditions. He stated his excitement to have 4 very comfortable single-family homes that could be built where property has sat vacant for 50 years and added it will serve the community well.

Ms. Patterson opened the meeting for public comment. The following comments were made.

David Jones, 6513 South Jefferson Street

I tried to call the number listed and wasn't able to get the information on what is going on. The paper I received did show mine and my mother's properties which were two of the properties listed. Are the height requirements changing? Without knowing what is changing I am not sure what to ask.

No further comments were made. The public comment portion for this agenda item was closed

Ms. Patterson stated staff would be happy to have a more in-depth conversation. Ms. Nixon verified the notice listed the main phone number on it and is answered live from 8 am to 5 pm daily. She specified the proposal will meet the requirements of the current R-1-8 Zone, and the maximum height allowed is 35 ft which is two stories. The homes have not yet been proposed. Ms. Milkavich asked if the packet was posted online and if the 20 ft front setback is for only one of the homes. Ms. Nixon affirmed the packet was posted last Friday afternoon and that the 20 ft front setback would apply to all four of the lots. Ms. Milkavich asked if they are meeting and exceeding what is required, and if lot sizes are bigger than required. Mr. Nay added they are substantially bigger than required. Ms. Nixon said 8,000 ft² is the minimum and 10,000 ft² is the smallest so they are well above the minimum.

Ms. Patterson re-opened the public comment portion. The following comment was made:

David Jones, 6513 South Jefferson Street

Without being able to read and look through the proposal I have concerns and object until I am able to find out what is going on and read through the paperwork.

No further comments were made. Ms. Patterson closed the public comment portion for this agenda item.

Mr. Nay reiterated that they are only asking for the same rights that Mr. Jones has as a property owner, and he would have those same rights to redevelop his property. The applicants are not asking for anything above and beyond what the code allows Mr. Jones to do. The request is simply asking if they can take a piece of property and split it into four lots. Ms. Milkavich stated everyone on this commission are neighbors and residents and they take the job seriously and ask a lot of questions. She stated the reason they are not asking more questions is only because it is a standard request and meets the zoning regulations.

Travis Nay made a motion to approve a Conditional Use Permit for Residential Infill for Jefferson Park No. 3 at the property addressed 6527 South Jefferson Street, subject to the eleven conditions:

1. The applicant shall meet all requirements of the Murray City Engineer, including the following:
 - a) Meet City subdivision requirements.
 - b) Provide grading, drainage, and utility plan and profile drawings.
 - c) Meet City storm drainage requirements. On-site retention of the 80th percentile storm is required. Implement Low Impact Development (LID) practices.
 - d) Provide standard front, rear and side yard PUEs on lots.
 - e) Provide a site geotechnical study based on the proposed site grading and building plans.
 - f) Overhead utilities crossing 130 West at entrance to the subdivision will need to be raised to meet current standards or be relocated.
 - g) Street lighting type and locations need to be approved by Murray City Power.
 - h) Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading and construction work.
 - i) Obtain a City Excavation Permit for work within City roadways.
 - j) Provide bonding for subdivision improvements.
2. The subdivision shall meet the requirements of the Murray City Fire Department for adequate number of fire hydrants capable of delivering 15400 GPM with a 20% residual. The proposed cul-de-sac must meet or exceed 2018 International Fire Code standards of 96' diameter. Proper road access and hydrants must be maintained during all phases of the project.
3. Meet the Murray City Water Division requirements for adequate water main size on 130 West for this project and follow city water specifications.
4. Meet all requirements of the Murray City Wastewater Division including a new manhole to be set at connection point to existing 8" clay pipe as well as the dead-end manhole in the circle. Sewer and water laterals need to be adjusted to accommodate for driveways. Driveways cannot cover service later lines. Reflect Murray City specification not SLC public utility. Include separate signature blocks for both Murray Water and Murray Sewer on the plat for signature.
5. Meet all Murray City Power Department requirements and meet to discuss planning the new power service.
6. The applicant shall obtain will-serve letters from the following utility providers as

applicable:

- a) CenturyLink
 - b) Comcast
 - c) Utopia
 - d) Dominion Energy
7. The subdivision improvements shall include the installation of street trees as required by Murray City Code.
 8. All lots within the subdivision shall comply with the requirements of the R-1-8 Zone as outlined in Chapter 17.100 and Residential Infill as outlined in Chapter 17.56 of the Murray City Land Use Ordinance.
 9. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
 10. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.
 11. The applicant shall complete the boundary line adjustment process and provide appropriate documentation recorded with the Salt Lake County Recorder's office.

Seconded by Ned Hacker.

Call vote recorded by Ms. Nixon.

 A Maren Patterson
 A Ned Hacker
 A Lisa Milkavich
 A Travis Nay
 A Sue Wilson

Motion passed 5-0.

Travis Nay made a motion to grant Preliminary and Final Subdivision approval Jefferson Park No. 3 at the property addressed 6527 South Jefferson Street, subject to the following conditions:

1. The applicant shall meet all requirements of the Murray City Engineer, including the following:
 - a) Meet City subdivision requirements.
 - b) Provide grading, drainage, and utility plan and profile drawings.
 - c) Meet City storm drainage requirements. On-site retention of the 80th percentile storm is required. Implement Low Impact Development (LID) practices.
 - d) Provide standard front, rear and side yard PUEs on lots.
 - e) Provide a site geotechnical study based on the proposed site grading and building plans.
 - f) Overhead utilities crossing 130 West at entrance to the subdivision will need to be raised to meet current standards or be relocated.
 - g) Street lighting type and locations need to be approved by Murray City Power.
 - h) Develop a site SWPPP and obtain a City Land Disturbance Permit prior to

- beginning any site grading and construction work.
- i) Obtain a City Excavation Permit for work within City roadways.
 - j) Provide bonding for subdivision improvements.
2. The subdivision shall meet the requirements of the Murray City Fire Department for adequate number of fire hydrants capable of delivering 15400 GPM with a 20% residual. The proposed cul-de-sac must meet or exceed 2018 International Fire Code standards of 96' diameter. Proper road access and hydrants must be maintained during all phases of the project.
 3. Meet the Murray City Water Division requirements for adequate water main size on 130 West for this project and follow city water specifications.
 4. Meet all requirements of the Murray City Wastewater Division including a new manhole to be set at connection point to existing 8" clay pipe as well as the dead-end manhole in the circle. Sewer and water laterals need to be adjusted to accommodate for driveways. Driveways cannot cover service later lines. Reflect Murray City specification not SLC public utility. Include separate signature blocks for both Murray Water and Murray Sewer on the plat for signature.
 5. Meet all Murray City Power Department requirements and meet to discuss planning the new power service.
 6. The applicant shall obtain will-serve letters from the following utility providers as applicable:
 - a) CenturyLink
 - b) Comcast
 - c) Utopia
 - d) Dominion Energy
 7. The subdivision improvements shall include the installation of street trees as required by Murray City Code.
 8. All lots within the subdivision shall comply with the requirements of the R-1-8 Zone as outlined in Chapter 17.100 and Residential Infill as outlined in Chapter 17.56 of the Murray City Land Use Ordinance.
 9. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
 10. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.
 11. The applicant shall complete the boundary line adjustment process and provide appropriate documentation recorded with the Salt Lake County Recorder's office.

Seconded by Ned Hacker

Call vote recorded by Ms. Nixon.

 A Maren Patterson
 A Ned Hacker

A Lisa Milkavich

 A Travis Nay

 A Sue Wilson

Motion passed 5-0.

JESSE KNIGHT SUBDIVISION – 5510 South 300 West – Project #21-065

James Warner was present to represent this request. The application is for Preliminary and Final Subdivision Approval for one lot subdivision of the property addressed at 5510 South 300 West. Susan Nixon presented the request. The application is for approval to subdivide a parcel of property known as the Ore Smelter Site and more recently known as the Jesse Knight Entrepreneurial Center. The property is located in the Ore Sampling Community Reinvestment project area. The applicants have been working on this property for a number of years. The property has a large amount of contamination remaining from the old smelter. The majority of the contamination is towards the northern portion of the property. The applicant is proposing to create a commercial subdivision by splitting the property, creating a “Parcel A” to the north and “Lot 1” to the south. The proposal is to move most of the contamination on to what will be “Parcel A”. Approval of the subdivision will allow the development of Lot 1. The existing structure will be renovated and converted for office uses. Staff is recommending that the Planning Commission approve the subject to the nine conditions.

James Warner, applicant stated their address as 5396 West 2400 South, West Valley City, and stated his willingness to comply with all the conditions.

Ms. Patterson opened the meeting for public comment. The following comment was made.

Nash Williams, 5459 Commerce Street, Murray

I have the Extra Space Storage and Budget Rental across the street from this property. I don't have any problems with the project that I know of, but want to get an overview of the intent. Before I understood it would be an office, it's a question not an issue.

No additional public comments were made. The public comment portion for this agenda item was closed.

Mr. Warner verified their intent is to pursue the office option, adding it is not guaranteed but is the intent.

Sue Wilson made a motion that the Planning Commission grant Preliminary and Final Subdivision Approval for the Jesse Knight Subdivision at the property addressed 5510 South 300 West subject to the nine conditions:

1. The applicant shall meet the requirements of the City Engineer, including the following conditions:
 - a) Meet Murray City Subdivision requirements.
 - b) Provide PUE's as required by City Utilities.
 - c) Provide a vehicular and utility access easement through lot 1 that connects to the City right-of-way and UTA property beneath the Cottonwood Street Bridge. The easement needs to be in favor of Murray City, UTA and utilities that are currently in the City's utility access road.

2. Meet all requirements of the Murray City Fire Department, including that the project shall follow International Fire Code (IFC) regulations for fire access and hydrant locations.
3. Meet all requirements of the Murray City Sewer Division, including to secure in place the Murray sewer line on the east property line and provide access to the sewer lines at all times for maintenance.
4. Meet all Water Department requirements, including disconnection of the 1 ½" water service on site if needed.
5. Meet all requirements of the Murray City Power Department, including protection of the Power Transmission and Distribution Lines on the east side of the property during soil remediation and excavation of the property. Any power easements are to remain in place.
6. The applicant shall meet all applicable regulations of Section 17.152 of the Murray Land Use Ordinance.
7. The applicant will need to apply for a new Conditional Use Permit for the revised project.
8. The applicant shall develop a landscaping plan for the frontage of Cottonwood Street (300 West) to include plantings acceptable for the maintenance of the utilities located there and shall submit the plan for review and approval by the Community Development Division and the City Engineer.
9. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.

Seconded by Lisa Milkavich.

Call vote was recorded by Ms. Nixon.

 A Maren Patterson

 A Ned Hacker

 A Lisa Milkavich

 A Travis Nay

 A Sue Wilson

Motion passed 5-0.

LAND USE ORDINANCE TEXT AMENDMENT – Accessory Dwelling Units – Project #21-067

The Murray City Planning Division is requesting an update to Section 17.78, Accessory Dwelling Units, in the Murray City Land Use Ordinance. Zachary Smallwood presented the request. The State recently passed HB82 which is the legislatures attempt to curb the housing affordability crisis. Salt Lake County is expected to grow by 500,000 by 2065. Instead of letting the individual cities decide how and when to allow ADUs, the Legislature decided that they will just

allow internal ADUs. Mr. Smallwood explained the various types of ADU's: attached, over a garage, and detached. For attached ADUs the State has mandated there not be restrictions on size or number of bedrooms and not require more than one parking space. During the application process if approved, we will be requiring a signed affidavit by the property owner that they will be living in either the residence or ADU as well as sign an affidavit that they will not be operating a short-term rental. He relayed the following four findings:

1. The proposed text amendment furthers objective 9 of the Land Use and Urban Design Element of the General Plan to "provide a mix of housing options and residential zones to meet a diverse range of needs related to lifestyle and demographics, including age, household size, and income" by making the process to construct and operate an ADU easier.
2. The proposed changes are in harmony with objective 11 of the Land Use and Urban Design Element to "stimulate reinvestment in deteriorating areas of the city to support growth and enhance the image of the community" by reducing the requirements needed to operate an ADU.
3. Staff finds that objective 3 of the Neighborhoods & Housing Element that states "encourage housing options for a variety of age, family size and financial levels" supports the proposed changes. This allows residents that own a home that may be struggling to pay their mortgage or have a family member or friend that needs affordable housing to reside on the property within an ADU.
4. Objective 1 of the Moderate-Income Housing Element states "ensure housing affordability targets are achievable using a range of strategies". One of the strategies in this objective state to continue to support ADUs in all residential zones. Staff finds that the proposed changes further this objective by making it easier to construct and operate an ADU.

Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the request to amend the text of Section 17.78, Accessory Dwelling Units, in the Murray City Land Use Ordinance.

Mr. Nay asked what the thought is behind limiting the number of bedrooms for detached ADUs. Mr. Smallwood stated staff has looked at making changes to this for quite some time and to make this as clear and easily digestible as possible it was determined to not change anything that is not state mandated. Mr. Nay asked for clarification on the parking restrictions for an attached dwelling unit and if any additional parking is required for a home that has a standard driveway and a two-car garage. Mr. Smallwood verified to date that is what has been allowed for attached dwelling units. Mr. Nay asked the reason of no longer requiring a new owner to sign an affidavit to re-authorize ADU. Mr. Smallwood stated it wasn't tracked and if they previously had one it would be recorded against the property and connected with the mortgage. Ms. Milkavich mentioned a new owner may not operate the ADU. If it was approved CUP then that stays with the property. Mr. Hall clarified that they would need a business license to operate.

Ms. Patterson opened the meeting for public hearing/comment. No public comments were made. The public hearing portion for this agenda item was closed.

Sue Wilson made a motion to forward a recommendation of approval to the City Council for the request to amend the text of Chapter 17.78, Accessory Dwelling Units, in the Murray City Land Use Ordinance. Seconded by Lisa Milkavich.

Call vote was recorded by Mr. Smallwood.

 A Maren Patterson

 A Ned Hacker

 A Lisa Milkavich

 A Travis Nay

 A Sue Wilson

Motion passed 5-0.

DISCUSSION ITEM FOR LAND USE TEXT AMENDMENT OF MIXED-USE ZONES

Mr. Hall specified that the proposed amendments would modify the three existing mixed-use zones and create two new mixed-use zones in order to address the issues that had been raised with recent zone change petitions for mixed use. Those concerns had resulted in the moratorium on new application for re-zones to mixed use in other areas of the city which began in February. During the moratorium staff had met with members of the Council and worked with Public Works staff, Engineering staff, and other departments in the city to respond to the concerns and make appropriate modifications and responses. Mr. Hall described the various mixed-use zones and made a presentation that highlighted the proposed amendments to the existing zones and the two proposed new mixed-use zones, the Village Mixed Use and Centers Mixed Use showing where staff thought they would make the most sense. Village Mixed use is a lighter use and appropriate near 900 East. He reviewed the potential of Live/Work units to be allowed in some areas, and lesser densities and greater parking requirements than in the more transit-adjacent mixed-use zones. Mr. Hall explained that for the two new zones, staff thought it was important for the city to make findings when allowing those zones to be applied to areas that previously just been commercial zoning, and said they included:

1. Result in high-quality redevelopment of commercial property
2. Retain or rehabilitate the commercial use of a significant portion of the property area
3. Increase local access to commercial services for in-project residents and surrounding neighborhoods
4. Promote a greater variety of housing options within Murray neighborhoods
5. Promote opportunities for life-cycle housing, and moderate-income housing
6. Provide increased walkability on the site and result in walkable connections to surrounding neighborhoods
7. Create and contribute to a sense of place and community
8. Result in improved conditions for buffering and transition to residential uses

The planning commissioners had questions about housing types like cottage clusters, and how small some homes could be. There was discussion about amenities that will be required in each project based upon the number of units and overall size of the project. In the VMU and CMU Zones, the addition of amenities beyond the base requirement can be tied to increases in the allowed residential density.

Sue Wilson was excused from the meeting. There was a quorum of 4 members remaining at the meeting and the meeting continued.

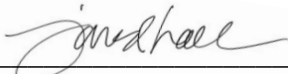
Mr. Nay asked if there is more general understanding of this idea of the more efficient use of the infrastructure and the long-term costs are less. Mr. Hall relayed that there is more and more acceptance of that concept: that mixed-use is more sustainable and efficient. There are places in the valley and in the state that are appropriate for this kind of use and we are sitting in the middle of one of them. Mr. Nay stated it is prudent use of the taxpayer dollar.

The mixed-use draft changes will be an agenda item for July 15, 2021 Planning Commission meeting.

OTHER BUSINESS

There was no other business.

Travis Nay made a motion to adjourn. Motion seconded by Ned Hacker. A voice vote was made, motion passed 4-0. The meeting was adjourned at 9:36 p.m.



Jared Hall, Planning Division Manager