

Minutes of the Planning Commission meeting held on Thursday, August 19, 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](http://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](mailto:planningcommission@murray.utah.gov).

Present: Maren Patterson, Chair  
Ned Hacker, Vice Chair  
Travis Nay  
Lisa Milkavich  
Jake Pehrson  
Jeremy Lowry  
Sue Wilson  
Jared Hall, Planning Division Manager  
Susan Nixon, Associate Planner  
Zachary 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.

Maren Patterson welcomed all and stated Agenda Item #7 is postponed for the September 2, 2021 meeting.

#### APPROVAL OF MINUTES

Travis Nay made a motion to approve the minutes from July 15, 2021 with a minor change to page five in the second paragraph stating the neighborhood was already a high-quality neighborhood and the new zoning would not necessarily improve that area. Seconded by Lisa 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 Crack Shack at 6161 South State. Seconded by Ned Hacker. A voice vote was made, motion passed 7-0

#### HILLCREST JR HIGH SEMINARY BUILDING – 133 East 5460 South – Project #21-079

The applicant is requesting a Site Plan Review for a new Seminary Building at property addressed 133 East 5460 South. Zachary Smallwood presented the request. The property is in the C-D zone and religious structures are a permitted use. Staff is recommending the approval of a Site Plan for the new building, subject to the ten conditions.

Justin Kimball, applicant, was present and stated his address as 908 South Monument Park Circle, Salt Lake City and stated their willingness to comply with all the conditions. He added that the site the seminary building is currently on will be redeveloped.

Mr. Hacker asked why the building is so plain compared to other seminary buildings in the region. Mr. Kimball stated due to the cost of redeveloping both sites this is what has been proposed and will be more basic than other sites.

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

Ned Hacker made a motion to approve the proposed site and architectural plan to allow the construction and operation of a new seminary building at the property addressed 133 East 5460 South subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall provide complete stamped plans, calculations, and a soils report at the time of Building Permit application.
3. The applicant shall meet the Murray City Engineer requirements below:
  - a) Meet City storm drainage requirements, on-site retention of the 80<sup>th</sup> percentile storm and detention is required. Implement Low Impact Development (LID) practices.
  - b) Replace any damaged curb and gutter and sidewalk along project frontage to 5460 South.
  - c) Change drive access to a standard flare drive approach – APWA Plan 221.1.
  - d) Obtain a City building permit for retaining heights of 4' or greater - measured from top of footing to top of wall.
  - e) Obtain a City encroachment permit for work in the 5460 South right-of-way.
  - f) Develop an erosion control plan and implement prior to beginning site work.
4. The applicant shall meet the Murray City Sewer Division requirements including relabeling the piping on the plans.
5. The applicant shall meet with the Murray City Power Department to coordinate service and equipment placement for the building and provide all costs for relocations.
6. The applicant shall follow all requirements of the Murray City Water Division. This includes replacing the existing fire hydrant.
7. The applicant shall provide details on the exterior trash container enclosure that complies with Code Section 17.76.170.
8. The applicant shall provide a landscape plan that complies with Chapter 17.68 Landscape Ordinance as Building Permit Submittal.
9. Building permits are required for any construction on the property.
10. The applicant shall obtain permits for any new attached or detached signs proposed for the business.

Seconded by Jeremy Lowry.

Call vote recorded by Mr. Smallwood.

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

Motion passed 7-0.

TACO BELL – 6001 South State Street – Project #21-082

The applicant is requesting site plan approval for a 2,248 ft<sup>2</sup> building for a Taco Bell restaurant. Susan Nixon presented the request. Drive through restaurants in the C-D zone are a permitted use but require site plan approval. The property is currently occupied by a Café Trang which will be demolished, and the new building constructed on the same site. The proposal for the new restaurant will have approximately 40 seats and 27 parking stalls. The landscaping will be required with a recalculated number of trees and shrubs. Staff is recommending Planning Commission approve the site plan review with conditions.

Mr. Nay and Ms. Milkavich commented on the lack of walkability from State Street due to the placement of the drive through. Mr. Hacker commented on the exit/entrance access point and having to cross 3 lanes of traffic for left hand turns. Ms. Milkavich recommended focusing on walkability for this site in the future.

Ryan Naylor, applicant was present to represent the request and stated their address as 10459 South 1300 West. He agreed with the accessibility concerns and stated that could be easily added as a condition. He indicated willingness to comply with all the conditions. Mr. Naylor specified that the outgoing lane on the south end shouldn't be an issue.

Ms. Patterson opened the meeting for public comment.

John Liljenquist, Liljenquist Salt Lake Company, 6995 South Union Park Center, Cottonwood Heights, stated he is the owner of the shopping center where Taco Bell would be leasing this parcel. He stated they plan to integrate the balance of the shopping center. He stated they are the owners of the old Shopko which went bankrupt and has taken the building back and recently acquired the rights to control what happens there. The site is somewhat dated and as a developer, they like what Taco Bell is offer with a fresh new building and a good operation with good success. He stated they are looking at this as a refresh of the whole site and that it fits in with what they want in the future. It's not good to have a big vacant store and there are many potential suitors out there and are having some dialogue with the staff at the city about different options. The Taco Bell has a modern look and they want to make sure it is compatible with the architecture.

Mr. Lowry commended him for being present and speaking, and that this part of the city is needing some redevelopment. He added the Shopko building was built in the 70's or 80's and then the building next to it was built 10 years later, now it's in generations. One of the

challenges will be Taco Bell and how that is going to fit into an overall redevelopment and how it will set the tone. Mr. Liljenquist added that they also own the property across the street with an old Toys R Us building. The Scandinavian Design owners have freshened up that building and that is the hope for this site.

The public comment portion for this agenda item was closed.

Travis Nay made a motion that the Planning Commission grant Site Plan approval for the proposed Taco Bell restaurant with drive through for the property addressed 6001 South State Street subject to the seven conditions and the addition of an eighth condition to include pedestrian site access to State Street:

1. The project shall meet Murray City Engineering requirements including the following:
  - a. Meet City storm drainage requirements, on-site retention of the 80<sup>th</sup> percentile storm and detention is required. Implement Low Impact Development (LID) practices.
  - b. Replace any damaged sidewalk along the State Street property frontage.
  - c. Obtain a UDOT site access review and any required permits.
  - d. Update landscaping plan to accommodate the proposed drainage swale.
  - e. Obtain a UDOT encroachment permit for work in the State Street right-of-way
  - f. Develop an erosion control plan and implement prior to beginning site work.
2. Meet all Fire Department requirements and follow the cooking suppression requirements.
3. Meet Water Division requirements and specifications. All meters must be in planter areas not in any asphalt just as a reminder, follow Murray specs.
4. Meet all Wastewater Division requirements and grease traps to be inspected with city staff present and brought up to code is necessary.
5. Meet all landscaping requirements of Section 17.68 of the Murray City Land Use Ordinance for approval with the building permit.
6. Meet all parking requirements of Section 17.72, including ADA stall regulations.
7. Meet all sign requirements of Section 17.48 and obtain separate building permits for all signage.
8. Include a pedestrian access connection to State Street from the Taco Bell site.

Seconded by Ned Hacker.

Call vote was recorded by Ms. Nixon.

  A   Maren Patterson  
  A   Ned Hacker  
  A   Lisa Milkavich  
  A   Travis Nay  
  A   Jake Pehrson

A   Jeremy Lowry  
  A   Sue Wilson

Motion passed 7-0.

MURRAY SQUARE COMMERCIAL BUILDING – 4672 S 900 E - Project #21-078

The applicant is requesting Design Review and Conditional Use Permit approval to allow the development of a 4,800 ft<sup>2</sup> multi-tenant commercial building with a drive-through on a pad site in the Murray Square mixed-use development. Jared Hall presented the request. Mr. Hall explained that the development was formerly known as Van Winkle Crossing on the site of the former Kmart building. This mixed-use development site is largely residential on the west portion with the east portion will be commercial along 900 East. This is in the Mixed-Use Zone. Ivy Place shopping center is to the south and storage units are on the north. The site plan for the pad building this is a 4,800 ft<sup>2</sup> spec building for 3 tenants and does include a drive through. The concerns with the drive through is walkability and integration with the larger site. There is drive by traffic and visibility for 900 East with good pedestrian connections from 900 East and reasonable public improvement from the project to 900 East. There are 50 parking stalls on the site and are part of the larger project. As phase one of the residential project gets completed the commercial pads become more interesting to potential tenants. The commercial phase is its own individual project. One of the conditions is the connection of the crosswalks and need to be on the site plan that come in with the building permits. The main road coming in, the private access road that goes to the subdivision on west, stays intact and is open during construction. The building itself has a mix of rooflines and architectural materials.

Staff is recommending approval of this site. It is unique in terms of approvals. In Mixed-Use zoning anything with a drive through is conditional. We have a conditional use approval to allow the drive through. It was pre considered with the master site plan and then design review approval is the site plan approval. It will need both approvals and can be made in one motion.

Applicant, Justin Kimball, was present and stated his address as 908 S Monument Park Circle, Salt Lake City and agreed to the eight conditions.

Ms. Patterson opened the item for public comment. No comments were made. Ms. Patterson closed the public comment portion.

Ms. Milkavich clarified that there were two drive throughs proposed on the four commercial pads and expressed concern for walkability. Mr. Hall verified there are two drive throughs, one on the north end and one on the south end, which is subject to change, pointing out that in the Memorandum of Understanding they were not tied to anything specific. As long as they are located and placed well, one at each end should be workable. Mr. Nay explained his desire for walkability and distaste for drive throughs but feels in this particular case the connection for pedestrians has been addressed better in this project overall.

Sue Wilson made a motion that the Planning Commission grant Design Review and Conditional Use Permit approval to allow the construction of a proposed commercial building with drive through on the property located on 4676 South 900 East subject to the following conditions:

1. The project shall meet Murray City Engineering requirements including the following:
  - a) The building and site must meet City storm drainage requirements. On-site retention of the 80<sup>th</sup> percentile storm and detention is required.
  - b) Implement Low Impact Development (LID) practices.
  - c) Ensure that the south curb and gutter aligns correctly with the planned intersection improvements and accommodates a 14' side receiving lane.
  - d) Obtain a City encroachment permit for work in the City right-of-way.
  - e) Replace any damage curb and gutter and sidewalk along the 900 East frontage.
  - f) The applicant shall develop a site Storm Water Pollution Prevention Plan (SWPPP) and obtain a Land Disturbance Permit prior to beginning any work.
2. The project shall follow all 2018 IFC code requirements, must follow 2018 International Fire Code (IFC) Appendix D for the width or access requirements.
3. The project shall meet all Murray City Wastewater requirements
4. The project shall meet standards of the Mt. Olympus Improvement District
5. The applicant shall meet all Murray City Power Department requirements and meet with power department staff to plan power service to the new building.
6. The applicant shall provide a landscaping plan meeting the requirements of Section 17.68 of the Murray City Land Use Ordinance for approval with building permits.
7. Crosswalks between the residential building in phase 1 and the site shall be included in the site plan with building permit submittals.
8. The project shall meet all requirements of the Murray City Land Use Ordinance, the Master Site Plan, and the Memorandum of Understanding.

Seconded by Jeremy Lowry.

Call vote was recorded by Mr. Hall.

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

Motion passed 7-0.

BMW OF MURRAY – 4700 South State Street – Project #21-085

The applicant is requesting Conditional Use Permit approval to allow the construction of an Electronic Message Center (EMC) sign on the subject property. Susan Nixon presented the request. The request on behalf of BMW of Murray and Young Electric Sign Company. The property is located at 4700 South State Street in the C-D zone. There is an existing pole sign that is legal nonconforming which means they can continue to maintain, refurbish the existing sign while keeping the structure and integrity of the sign. On the site plan it shows 5 parcels and typically with a Conditional Use it is required to consolidate the parcels, however because the parcels are all a different taxing districts the county will not allow for combining. The property will have to stay in separate parcels. Based on the site plan, there is 259 linear feet of frontage on State Street. The maximum allowed per code is 200 ft<sup>2</sup>. They are asking for 135 ft<sup>2</sup> feet. The sign would be approximately 77 feet from the corner of Regal Street and set back at least 2 ft from the front property line. The regulations for the signage is no higher than 35 feet they are going to keep the same height of 30 feet with a minimum clearance of 8 feet. EMC signs have certain regulations which is why it is a Conditional Use. All EMC's must have an automatic dimmer for nighttime, have to omit a certain maximum of foot candles, maintain brightness, any message has to be lit for at least 2 seconds, the sign must be dimmed or turned off if the sign is located less than 300 feet from a residential zone. This property is located 265 feet from a residence on Regal Street. The applicant has indicated they will meet all the requirements of the EMC. Notices were sent out to all the residences within 300 feet and there have been no comments or responses. Staff is recommending approval for the EMC sign subject to the three conditions.

Rick Magness with Yesco Sign, applicant, stated his address as 1605 South Grammercy Road, Salt Lake City. He stated his willingness to comply with the conditions. He expressed his thanks to Susan Nixon stating she was especially great to work with. BMW has been a longtime business in Murray. They represent new technology with their products and hope with this new sign it will add to the vibrancy and help them keep up with the other businesses on State Street. Matt Lisenby also wanted to express his thanks to Ms. Nixon for her help with the request and added thanks to Yesco and the city for helping them add something new to that part of the city.

Ms. Patterson opened the item for public comment. No comments were made. Ms. Patterson closed the public comment portion.

Ned Hacker made a motion that the Planning Commission grant Design Review and Conditional Use Permit approval to allow the construction and operation of an Electronic Message Center (EMC) sign at the property addressed 4700 South State Street subject to the three 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. The EMC may not operate between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day, or shall hold static on a single image and shall not cause illuminance in excess of three tenths (0.3) foot-candles over ambient lighting conditions as measured at a point perpendicular to the electronic sign face.

Seconded by Sue Wilson

Call vote was recorded by Ms. Nixon.

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

Motion passed 7-0.

ORION AUTO SALES – 32 East Fireclay Avenue – Project #21-088

The applicant is requesting Conditional Use Permit approval to allow vehicle sales within the C-D Zone on the property located at 32 East Fireclay Avenue. Jared Hall presented the request. The property is 3,500 ft<sup>2</sup> parcel just east of Main Street in the C-D Zone. The building that Orion Auto Sales would operate from is 600 ft<sup>2</sup> and do use a portion of the property, there is a home to the west and the back of the property is used for storage of vehicles associated with another business. They currently have vehicles displayed in the front area. The building itself is very simple with a restroom and the remainder of the building is open and has doors on two sides. There is no plan to make any changes to the building and none would be required for this particular use. With Conditional Use Permits properties are brought into compliance for different issues such as parking and landscaping. Fireclay Avenue does not have any of the right of way improvements that are required. The city engineer has done his standard requirement which is if there are improvements made in conjunction with the application that are more than \$5,000, then the missing improvements need to be installed and/or damaged improvements need to be repaired. For this application there are missing improvements. Ten feet of landscaping is required for the frontage minus the access points. The recommendation will be based on the installation of appropriate landscaping. This proposal requires three parking spaces. One of the spaces needs to be an ADA space and therefore would need to be re-stripped which would eliminate some of the display spaces. Staff is recommending approval of Conditional Use Permit approval to allow vehicle sales within the C-D Zone on the property located at 32 East Fireclay Avenue subject to the conditions.

Ms. Wilson asked for clarification about the amount of square footage in the frontage area. Mr. Hall verified it would 100 ft<sup>2</sup>. Ms. Patterson reiterated the access between the two lanes of cars won't work with the new landscaping and stated it is a tight site. Mr. Pehrson asked if they would have to do the landscaping regardless of the \$5000 cap. Ms. Milkavich asked about any repercussions of not having a license and how long they have operated without one. Mr. Hall stated the business license penalty fee is 100% if they have been operating without a license and code enforcement deals with any other consequences.

Lana Bendz, applicant stated her address 7194 Pinecone Street, Cottonwood Heights and added she is willing to comply with the conditions. She stated she is looking forward to working with Jared and Susan to improve the situation. Siarhei Bendz, applicant, added that the property was an old mechanic shop in very bad condition, just a pile of dirt and broken cars. The stated they haven't wanted to put lots of money into someone else's property, and the land is locked with an RV place behind it with a wall, but she indicated they are willing to make the improvements to make it nice.

Ms. Patterson opened the item for public comment. No comments were made. Ms. Patterson closed the public comment portion.

Ms. Milkavich asked about whether it is the property owner or tenants' responsibility to make these improvements. Mr. Hall replied it comes down to how badly the tenant wants to stay in a location and how much an owner wants the tenant to stay, many times it is a joint effort.

Mr. Lowry made a motion to approve a Conditional Use Permit approval to allow vehicle sales business on the property located at 32 East Fireclay Avenue subject to the following eight conditions:

1. If building and site improvement costs exceed \$5,000, installation of curb, gutter and sidewalk along the Edison Avenue property frontage are required.
2. The project shall comply with all applicable building and fire code standards.
3. The property owner and/or applicant shall work with planning and engineering staff to identify accesses to the property and provide a plan for the installation of landscaping along the remainder of the frontage of Fireclay Avenue in compliance with the requirements of Chapter 17.68 of the Murray City Land Use Ordinance.
4. The applicant shall designate a minimum of three (3) parking stalls to be reserved for customers and employees.
5. The applicant shall maintain clear, appropriate vehicular access to the employee and customer parking and the building at all times. Vehicles for sale will be displayed on only the east or west side of the property in order to provide adequate circulation of traffic ingress and egress.
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 applicant shall obtain a Murray City Business License for vehicle sales on the property.

Seconded by Lisa Milkavich.

Call vote was recorded by Mr. Hall.

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

Motion passed 7-0.

MURRAY BURTON ACRES LOTS #37 & #38 AMENDED – 389 & 397 East Belview Avenue - Project #21-084

The applicant is requesting Planning Commission approval to allow an amendment to the Murray Burton Acres Subdivision in order to amend the boundary line between lots #37 & #38. Ms. Nixon presented the request. Marlie Kilcrease is the applicant who lives adjacent to the two properties and has recently acquired them. The properties are in the R-1-8 Zone and are long rectangle shaped properties addressed 389 and 397 East Belview. The original home on 397 East was torn down in 1997 and a new permit was obtained within a month for a new home in order to maintain the same footprint which was non-conforming to the side yard setback. The home has a 5-foot side yard setback from the west property line which was allowed as long the new home was constructed within a one-year time period. The request is to shift 7,469 ft<sup>2</sup> from lot #38 to lot #37. Both lots far exceed the minimum of 8,000 ft<sup>2</sup> and meet all the setbacks, with exception of non-conforming side yard setback of the home at 397 East. There is an existing issue where the property line goes through an attached patio on the detached garage in the rear yard of 389 East and the proposed boundary line adjustment will correct that issue. The detached garage on 389 East is 3 feet from the side property line and meets current zoning codes. Dwelling structures require larger setbacks. When there is a new subdivision that will be platted it is required to have new public utility easements (PUE) on all property lines, but in this case where the property line between the two homes is less than required, the city engineer would like the easements to be shown on the plat for any future changes on the properties. The existing structures are encroaching but since they are existing, they are non-conforming; however, anything built in the future will need to meet the required PUE.

Mr. Nay asked if the expansion of the home would be allowed due to the non-conforming side yard setback. Ms. Nixon replied as long as the addition does not encroach further into the side yard an addition on the back is possible as long as it maintains the same setback. Staff is recommending approval for the boundary lot adjustment and plat amendments to lots #37 & #38 of the Murray Burton Acres Subdivision subject to the three conditions.

Applicant, Marlie Kilcrease stated her address as 383 East Belview Ave and stated her willingness to comply with the conditions.

Ms. Patterson opened the item for public comment. One comment was sent by email from Anastasia Vera wanting to know if it would impact her property. Ms. Nixon verified that it would not. No additional comments were made. Ms. Patterson closed the public comment portion.

Travis Nay made a motion to approve the proposed subdivision amendment for the Murray Burton Acres amending the boundary line between lots #37 and #38 for the properties addressed 389 and 397 East Belview Avenue subject to the three conditions:

1. Meet the requirements of the City Engineer, including the following:
  - a. Meet City subdivision requirements.
  - b. Provide standard PUE's on the lots.
2. Meet the Power, Water, Sewer and Fire Department requirements.
3. Meet all requirements of Section 17.100 of the Murray Land Use Ordinance for the R-1-8

Zone.

Seconded by Lisa Milkavich.

Call vote was recorded by Ms. Nixon.

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

Motion passed 7-0.

LAND USE ORDINANCE AMENDMENT - Section 17.77, Adding Short Term Rentals - #21-086

The Murray City Planning Division proposes the creation of Chapter 17.77, Short Term Rentals, in the Murray City Land Use Ordinance. Mr. Smallwood presented the proposal. The city has received a number of requests to re-evaluate the city's stance on Short Term Rentals (STR). There was a citizen survey conducted in December of 2020 with over 600 responses. Short Term rentals are any dwelling or portion thereof that is available for use or is used for accommodations for less than 30 days. The proposed ordinance will have three types of short-term rentals:

1. Hosted Sharing: means renting out a portion of the dwelling out while the homeowner resides on property at the same time.
2. Unhosted Sharing: means renting out a portion or the entire dwelling while the homeowner is NOT residing on property, but still uses the property as their primary residence.
3. Dedicated Vacation Rental: means that the homeowner does not reside on the property and rents out the dwelling.

Dedicated Vacation Rental are not recommended, due to having the homeowner accountability and on property or there a majority of the time. Hosted Sharing would be allowed for 365 nights a year as long as it is less than 30 days at a time. Unhosted Sharing would be allowed for up to 182 nights per year, allowing up to 6 months and the owner would have to prove that they live there 183 nights per year. After obtaining public input and reviewing successful codes in other cities staff is asking for a recommendation to the City Council to approve the ordinance.

Ms. Patterson asked how an owner would prove that they live there 183 nights per year. Mr. Smallwood stated there is software that monitors how many available nights are listed and will be added to the permit fees to obtain a short-term rental license. The commissioners asked a variety of questions about the efficacy of the software and how this allowance would impact the home prices in the area.

Mr. Lowry stated that he writes condo hotel mortgage loan programs at Zions Bank. A condo hotel is a condominium that is in a resort area, must be in a resort market with covered parking.

They are in a geographically defined area where there is naturally imbalance that will remain in place if the real estate supply and demand is never going to get better. Historically, in a boom economy they pop up and work really well, but when the market cools the real estate values go down. He stated that the market is out of balance because of Covid-19 and the technology to monitor the frequency of available nights is not reliable and has no data integrity for the long term this won't be a great idea. Ms. Milkavich asked if this type of rental is beneficial to the community. Ms. Patterson asked if the home is part of an HOA and the affidavit to be signed to not violate any CC&Rs and if any violations occur then the HOA gets involved as well. Mr. Smallwood agreed. Mr. Hacker asked Mr. Lowry whether these only work in recreational areas or resort areas. Mr. Lowry stated the projects that have consistently worked well in all economic environments and have been in high demand resort areas and the properties themselves are a destination resort that people want to go to. Mr. Hacker relayed his experience of people who come to Utah for skiing often want to go to many resorts and thus choose to stay in the valley, adding the accommodations at the resorts are limited and is more affordable in the valley. Mr. Smallwood relayed his experience as a hotel booking agent stating that the capacity was 95% every night from November through April with skiers in the valley. Mr. Lowry expressed his concern from a macro-economic perspective as people start relying on those funds it can have negative consequences. Ms. Wilson stated there are short term rentals happening and this ordinance would give us a way to regulate them and asked if we capture any sales tax revenue. Mr. Smallwood verified that the sales tax would be collected for the city.

Mr. Smallwood continued with his presentation commenting that as part of the permit process, the owner has to stipulate the number of rooms they will be renting out which will dictate the number of parking spaces they need. For two bedrooms, two additional off-street parking spaces will be required for hosted or non-hosted sharing. The host is allowed to park on the street. For urgent response purposes they will be required to provide contact information of a representative that is available all year, day and night who is able to respond within 1 hour of being contacted and is posted on a name plate to be displayed by the entry door of the rental. Noticing and posting in a packet for guests inside the unit is also required. If one is operating or listing without a license each day constitutes a new offense; first offense is \$500.00, second is \$750.00, third is \$750.00 and you are unable to pursue a license for two years, fourth is a misdemeanor with up to \$1000 fine and then you are banned from obtaining a license in Murray City.

Mr. Nay asked if they can be enforced by liens on the property. Mr. Smallwood stated there would not be liens. The process to operate a short-term rental will require a staff level approval, provide an application with the type of rental, site plan, floor plan, parking plan, proof of owner occupancy, proof of non-conflict with HOAs. Staff is recommending the Planning Commission forward a recommendation to the City Council for the request to amend the Murray City Land Use Ordinance adding proposed Chapter 17.77.

Mr. Nay suggested that the Planning Commission review the applications rather than have only staff approval. Mr. Smallwood responded that this could tamper with authenticity because as a public administrative body the commission would be obligated to say yes regardless of public outcry. Ms. Patterson verified that the process that has been set is fairly extensive. Mr. Nay asked if the affidavit would need to be signed annually. Mr. Smallwood stated it would be signed initially unless there is a vote to make it an annual requirement. The commissioners asked several questions about potentially making it an annual requirement and requested more objective data.

Mr. Lowry proposed a study be analyzed on how these types of rentals work in some similar areas. Ms. Patterson stated that there have been many comments about Sandy City adopting this with success. Mr. Nay stated it is Housing Policy in general. He added it doesn't do anything to stabilize the neighborhood properties. Mr. Smallwood verified that hosted sharing does help give that stabilization. Mr. Nay commended Mr. Smallwood and stated it has been well researched and written. Mr. Pehrson asked about occupancy load. Mr. Smallwood verified that the fire department does inspect for the business license and would determine the occupancy for the room or home. Mr. Pehrson added that according to research property maintenance is better with short term rentals.

Ms. Patterson opened the item for public comment.

Alexander Teemsma, 10 West Miller Street, indicated that this proposal has been under review for a long time and staff has been taking his frequent calls. The time and effort Mr. Smallwood he has put into this ordinance is more than adequate to provide the commission with all the information they need to make an informed decision in the best interest for the city. The survey produced 51% were in favor and 41% were not in favor. He stated he was operating an AirB&B and he and his wife bought the property because it lended itself well for a short-term rental. Once they started raising a family, they found that it was not conducive and are now selling the home. He stated that a complaint came into code enforcement which forced them to discontinue operation. As it stands the State has a law that disallows municipalities of enforcing ordinances that disallow short term rentals. He stated he is aware that the city has an ordinance on the record that does not permit AirB&Bs and the State has tied the city's hands so the City's ordinance is wholly reactive and can only act on complaints received from citizens. It would be only proactive for the City to put forth standards and expectations for operating short term rentals so then residents who wish to do so have an understanding and that would encourage transparency as opposed to try to fly under the radar. He stated that they approached their neighbors on both sides to let them know their intentions and asked if there were issues they would like to know about it so they can address any issues to make sure they are not disrupting them or cause them to have a negative experience. He stated they were in operation for a several months and did not receive any complaints from our neighbor until one of their guests' children who is non-verbal autistic let himself out of the house and started down the street. their neighbor noticed this child was unaccompanied and did not recognize him so she restrained him to find the parents, but she was unaware that he was non-verbal autistic. She called the police and their report reads:

*"August 26<sup>th</sup>, 2018 I was dispatched to 6 West Miller Street on a found person the complainant stated there was a small boy that would not talk walking around on the street, the boy's father who lives next door to redacted as we know now he did not live there he was staying as a guest of the AirB&B came out and picked up his son, child seemed to be in good health and in no danger. The child was returned. The case was closed."*

The complaint became convoluted by their neighbors who began to use the verbiage that there was an issue where the police had to be called. The child also bit the neighbor who restrained him and so the neighbor began saying she was attacked by a guest. If the ordinance goes into effect the expectations would be set for STR's therefore less need for reactive enforcement. the penalties are meant to dissuade anybody from operating outside of those expectations. There were a few points about enforceability and stated that the IRS would know by an individuals' tax returns if somebody isn't paying their taxes. The government relies on citizens to report their

neighbors if they are dodging their taxes. If there were issues with the minutia of this ordinance and someone does operate in their home as an STR if it's bothering the neighbors, they would take it to the city. I made 300 flyers with a custom QR code and URL and posted them to doors of single-family homes in my neighborhood and distributed a few to local businesses because he wanted to know what the response rate would be and if that would differ from what the efforts of the city in marketing the same survey. His personalized QR code received 6 unique hits out of 300 flyers which is a 2% response rate. He commented that STR's don't result in higher crime in the neighborhoods where they are allowed. The majority of violent and sexual crime are perpetrated by people that the victim already knows, not total strangers.

Sandy's STR's are strictly unshared hosting where they do 183 days of occupancy 182 days of unoccupancy but their code is very convoluted. I think if they were to do away with unshared hosting in Murray but kept the shared hosting it would be a fair concession. Also, ADUs being used as STR's would not take away from the long-term housing supply and would be cases for example where a widow would be able to rent out a room in her home to subsidize her fixed income or a young couple buying their first home could rent out their basement that doesn't have a kitchen. This proposal would set expectations and passing this ordinance would be a step in the right direction.

No additional comments were made. The public comment portion was closed.

Ms. Milkavich asked why nightly rentals are better than 30-day rentals. Ms. Patterson added one is not necessarily better than the other it is just fulfilling a different need. Mr. Smallwood stated it is just allowing it for residents and residents feel it's their property and should be able to do what they want there. Mr. Pehrson stated it is almost impossible to have STR listed on VRBO if you are going to require a 14 day stay. Ms. Patterson expressed how the ordinance does address the concerns the residents had in the survey and that the city does not currently have an ordinance and don't have a way to enforce it. With short term rentals the person that is renting is vetted on those websites and so is the property owner. There is a process to it that includes some accountability. Short term rentals are a different market than the resort market and they are two different worlds serving different purposes. Ms. Patterson expressed her preference to stay in a neighborhood that can house her family and have access to a kitchen and is not in a hotel or resort area for a much more affordable price. By allowing our resident's the right to do that with their own property within the parameters of this ordinance there is no reason not to allow this. Mr. Lowry reiterated that in a down economy people travel less and the people that have relied on STR income are very negatively impacted which is bad public policy.

Mr. Smallwood mentioned that regardless of how this is voted it will still go to City Council.

Jeremy Lowry made a motion to recommend denial of the proposed chapter 17.77 Short Term Rentals to the City Council. Seconded by Travis Nay.

Call vote recorded by Mr. Smallwood.

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

N   Sue Wilson

Motion passed 4-3, recommending denial of the proposed ordinance.

OTHER BUSINESS

The RDA is having an open house at the Senior Center on Wednesday August 25, 2021 for the project at 4800 South State.

There was no other business.

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 9:30 p.m.



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Jared Hall, Planning Division Manager