

Minutes of the Planning Commission meeting held on Thursday, February 17, 2022, 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: Jeremy Lowry, Chair
 Jake Pehrson, Vice Chair
 Maren Patterson
 Ned Hacker
 Lisa Milkavich
 Michael Richards
 Danny Astill, Interim Community & Economic Dev Director
 Jared Hall, Planning Division Manager
 Zachary Smallwood, Senior Planner
 Susan Nixon, Associate Planner
 Briant Farnsworth, Deputy City Attorney
 Citizens
Excused: Travis Nay

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 February 3, 2022, minutes with the minor corrections. Seconded by Lisa Milkavich. A voice vote was made, motion passed 6-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Jake Pehrson made a motion to approve the Findings of Fact for Design Review and Conditional Use Permit for Murray Square Commercial Center and Kleenstart Intermountain. Seconded by Maren Patterson. A voice vote was made, motion passed 6-0

M-TOWN ELITE AUTO SERVICES - 4656 South Cherry Steet, #3 – Project #21-128

Susan Nixon presented the request. The applicant is requesting a Conditional Use Permit approval to allow Auto Sales in Unit 3 of the property at 4656 South Cherry Street. The property is .6 acre on the west side of Cherry Street in the M-G, Manufacturing Zone. There is a large warehouse building on the north end and a non-conforming dwelling centrally located on the property. There is auto repair shop in unit 4 and the remainder of the building would be used for personal storage of the resident that lives in the dwelling, Toby Parcell, who is also the applicant. He currently does auto detail for dealerships that bring the vehicles to the site. He would like to sell two to three vehicles at this site. There are two to three parking stalls available

adjacent to Cherry Street and then two stalls adjacent to the dwelling. All of the parking would need to be re-striped and an ADA stall would need to be added. The landscaping required is (3) trees, (5) 5-gallon shrubs and (10) 1-gallon shrubs and would need to be planted prior to issuing the business license, along with re-striping the parking stalls. Staff is recommending that the Planning Commission approve the Conditional Use Permit of Auto Sales subject to the six conditions.

Ms. Milkavich clarified that auto detailing is the current business and the applicant wants to add sales to his business license. Ms. Nixon stated that is correct, and the detailing is a permitted use. Ms. Patterson wanted clarification about the parking and asked if he is only able to use the eight parking spots between sales and detailing and if he would need designated display spots. Ms. Nixon clarified the applicant will only be able to have a maximum of three display vehicles, unless he has some inside the unit and added that he can choose where the display vehicles will be. The angled parking would be preferable. Ms. Milkavich stated since the property is a personal residence and a business, the customer and display vehicles stalls should be designated.

Applicant, Toby Parcell at 4656 South Cherry Street, stated his willingness to comply with the conditions and explained there is more parking behind the home and building and is where he parks his personal vehicles. Mr. Parcell asked if the trees and shrubs can be placed behind the fence closer to the watering system. Ms. Nixon said that would be allowed if he installs the number of plantings required and will still be along the frontage. Mr. Hall verified it will need to be in the front yard set-back area with a minimum of ten feet of the property line.

Mr. Lowry opened the meeting for public comment. No comments were made. The public comment portion was closed.

Maren Patterson made a motion for the planning commission approve the Conditional Use Permit for Auto Sales at the property addressed 4656 South Cherry Street, Unit 3, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain Murray City building permits for any construction.
3. The applicant shall re-stripe eight (8) parking spaces to assure they are in good condition and including one ADA compliant, van accessible space.
4. The applicants shall obtain sign permits prior to the installation of any new attached business signage.
5. The property landscaping shall comply with landscaping standards outlined in Chapter 17.68 of the Murray Land Use Ordinance. The front setback landscaping along Cherry street shall be modified to include a total of the following:
 - (a) Three (3) trees;
 - (b) Five (5) 5-gallon shrubs; and
 - (c) Ten (10) 1-gallon shrubs.
6. The applicants shall obtain a Murray City Business License and pay applicable fees.

Seconded by Jake Pehrson.

Call vote recorded by Ms. Nixon.

 A Maren Patterson
 A Ned Hacker
 A Lisa Milkavich
 A Jeremy Lowry
 A Jake Pehrson
 A Michael Richards

Motion passed 6-0.

LAND USE TEXT AMENDMENTS TO 17.144.020 & 030: G-O, GENERAL OFFICE ZONE – PROJECT # 22-015

Planning Division Staff proposes amendments to Sections 17.144.020 and 17.144.030 of the Land Use Ordinance related to the allowance of various land uses in the personal services category as permitted and conditional uses in the G-O Zone. Jared Hall presented the proposal. The General Office Zone is applied in several of the areas of the city. The majority of the uses impacted by the amendments proposed are found in the “personal services” category of the city’s Standard Land Use Code. The proposed amendments involve only additions and changes to the lists of permitted and conditional uses; no changes to other regulations such as parking, building height, buffering or others are included. The activities from the personal services category currently allowed in the G-O Zone include only three: Massage Therapy (6296) as a permitted use; Beauty and Barber Services (6230); and Portrait Photography (6221) as conditional uses. Staff is proposing to move a few of the conditional uses to the permitted use list. Most of which are in the service category. We propose moving Beauty and Barbering and Portrait Photography as permitted and add some additional permitted uses; LU #6222 Commercial Photography, LU #6254 Shoe Repair, LU #6255 Shoeshine Stands, LU #6297 Reiki, Spiritual Healing Art, LU #6299 Life coaching, consulting, LU #6316 Direct mail advertising (office only), LU #6319 Other advertising services NEC (office only), and LU #6493 Watch & Jewelry Repair & Engraving to the list of Permitted Uses. Additions to the Conditional Uses would be LU #6213 Dry Cleaning, LU #6295 Body Art & Tattoo Studios, LU #6496 Locksmiths (office only), and LU #6499 Camera & Musical Instrument Repair. The General Office Zone is often adjacent to residential areas and those conditional uses may need review of signage, hours of operation and intensity. There will be built in buffering requirements. Staff found that the General Plan supports these types of uses in the G-O Zone. The purpose of the General Office Zone is to provide a variety of office uses. Increasing the variety will help these tenants find places to operate and to help landlords find tenants for their properties and reinvest in their properties. Staff is recommending that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendments.

Ms. Milkavich asked about the added conditional uses and where they were before. Mr. Hall stated they were not conditional or permitted uses. Mr. Lowry asked would it be wise to specify bigger operations in regard to dry cleaning. Mr. Hall clarified it would be drop off and pick up and any bigger operation would be clarified in the conditional use review and most of these buildings would not be set up for a dry cleaning business and would allow the opportunity to review those types of concerns.

Mr. Hall stated notices were sent to affected entities there was one email from someone who is interested in the body art studios in the G-O Zone but his comments weren't in relation to the application they were just statements about his business.

Mr. Lowry opened the meeting for public comment.

Donell Benjamin, 565 East 4500 South

There is Body Art Studios and Tattoo Parlors, but Tattoo Parlors don't like Body Art Studios because I am trying to implement change. If you walk around outside this building you will see huge Tattoo Studio signs up and down State Street. I run a Body Art Studio with high end clients at 565 East 4500 South. I am asking to be allowed to run inside a professional office building with no brightly lit signage. Those signs invite youth and people who shouldn't be going into these buildings. I am proposing to Murray to move forward with Body Art Studios. Four years ago, I found out that Utah controls the Body Art Industry but it's not recognized. Bottles, after care, medical products are made here but sent out to other states and then sent back and charged to us. The artists here in Utah set the standard. We go outside of Utah to these big conventions they want to question us what artworks going out and what should be used or not. There is no one like me coming to things like this, where I want more stringent rules with restricted hours, with more private clients and appointments and a spa like environment.

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

Mr. Pehrson clarified that Body Art and Tattoo Studios encompasses all tattoo businesses. Mr. Hall verified it does, this is not proposing to make them different categories.

Ned Hacker made a motion the Planning Commission forward a recommendation of approval for the City Council for the proposed text amendment to sections 17.144.020 and 17.144.030. Seconded by Lisa Milkavich.

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Ned Hacker
 A Lisa Milkavich
 A Jeremy Lowry
 A Jake Pehrson
 A Michael Richards

Motion passed 6-0.

WATERSTONE SUBDIVISION – 6566, 6562 and 6556 South Jefferson Street - Project #22-011 & 22-012

Zachary Smallwood presented the request. The request is from Garbett Homes to obtain a Conditional Use Permit for a Planned Unit Development and preliminary subdivision approval for properties addressed 6566, 6562 and 6556 South Jefferson Street. Recently the City Council voted to re-zone the property to the R-1-6 Zone which allows for a minimum of 6,000 ft² lots. The property is approximately 2.68 acres and would allow up to 16 units in this project. The

potential layout is 15 units along a cul-de-sac. The PUD ordinances will allow the developer to vary the size of the individual lots in the subdivision, but not the total number. The PUD ordinance allows modifications to requirements such as setbacks, height, lot width, and lot area where needed; however, the density allowed by the underlying zone may not be altered. In this case, the underlying zoning (R-1-6) permits density based on minimum lot sizes. The proposal complies with allowed density as explained in the "Project Density" section of the report above. In order to accommodate the public right-of-way to serve the single family lots in this project the applicant has proposed some smaller lot sizes and reduced lot widths. Proposed lot sizes vary between 4,432 ft² and 8,234 ft². The overall R-1-6 project area provides enough acreage to meet the 6,000 ft² per lot required by the ordinance; the applicant's request is to reduce the lot size in some cases while exceeding it in others in order to arrange the lots, provide open space in the PUD, and accommodate access requirements. The applicant is requesting a reduction from 25' corner side yard set-back to 20'. No changes in height requirements and the lot width ranges from 41' to 63'. There is a correction from the staff report about the fencing, they will keep the existing chain link that faces the detention basin and the vinyl fence to the south. They will only be adding a 6' vinyl fence along the blue area's and a 6' concrete wall as a barrier to the Trax rail lines. The right of way is 42'; typically, 49' is required but they are allowed to work with engineering to take out the park strips to allow for greater flexibility in Planned Unit Developments. They are proposing three different types of house plans, but the floor plans will be the same. The color pallets consist of muted tones. Staff requested a street tree in the front yard area since there will not be a park strip where trees are typically placed, the applicant is willing and that would be reviewed in the final subdivision review.

Staff determined it meets the standards of the subdivision ordinance, Title 16. The proposed lots with the development standards for properties found in the Murray City Land Use Ordinance is in harmony with the purposes of the R-1-6 Zone and in harmony with the purpose and intent of the General Plan. It also meets the intent of the Fashion Place West Small Area Plan on providing that infill housing and smaller lots closer to Trax. Staff is recommending that the Planning Commission approve a Conditional Use Permit for the Planned Unit Development and grant preliminary subdivision approval for Waterstone Subdivision on the properties addressed 6566, 6562, and 6556 South Jefferson Street subject to the ten conditions.

Applicant, Jacob Ballstaedt, with Garbett Homes at 270 North East Capital Street, stated he has reviewed the conditions and is willing to comply with the conditions. There is some history on this project, and we only recently became involved. The previous applicant wanted something much denser and gave up and then offered it to Garbett. We are requesting a PUD for this site. It has some unique features, it's an assemblage property consisting of three separate properties that have been acquired. Part of the reason the request is for PUD is there are some constraints on the site that make it difficult to develop without it. The standard street section requires 49' and eliminating the park strip in exchange for a wider sidewalk. The entrance is very narrow, and lots are fairly shallow which is why we are requesting some of the reductions. The detention basin is needed but due to engineering placement is limited, but we are open to further enhance the area. In general, the project has ample space and will enhance Jefferson Street. It will add sidewalk along Jefferson Street which is a long-needed goal.

Mr. Pehrson explained one of the required conditions in order to approve this is the open space that needs to be for conservation or recreation purposes. Ms. Milkavich added there is concern about accessibility to the community, it might appear as a drainage pond squeezed behind a couple houses and isn't a park to go visit. Mr. Ballstaedt agreed but asked if it could be added as a condition and reviewed during the final subdivision review. Mr. Hall specified it can be a

condition for preliminary approval on something coming back showing a plan that works and if it doesn't work at that point you table the final review. The Conditional Use Permit is tied to this. One point of note is there is a large regional detention area and in the new Parks Master Plan it points out that it could be amenitized a little better and publicly available. Currently, it is being used in the traditional edge of the suburbs and kids use it anyway. The commissioners discussed implementing a condition but determined condition six addresses this. Ms. Milkavich asked if the applicant would consider an 8' fence between the site and Trax to the west. Mr. Ballstaedt stated if it is allowed, Garbett would consider it.

Mr. Lowry opened the meeting for public comment. No comments were made. The public comment portion was closed.

Ms. Milkavich made a motion to approve the Conditional Use Permit for the Planned Unit Development and grant preliminary subdivision approval for the Waterstone Subdivision on the properties addressed 6566, 6562, and 6556 South Jefferson Street subject to the ten conditions with the addition of an eleventh condition to add an 8' masonry fence on the west side of the property.

1. The applicant shall meet all requirements of the Murray City Engineer, including the following:
 - a. Meet City subdivision and requirements.
 - b. Dedicate right-of-way that extends into Jefferson Street and install sidewalk along Jefferson Street frontage.
 - c. Provide grading, drainage and utility plan and profile drawings.
 - d. Meet City utility standards, provide standard front rear and side yard PUE's on lots – window wells cannot extend into PUE.
 - e. Meet City storm drainage requirements, on-site retention of the 80th percentile storm is required. Implement Low Impact Development (LID) practices.
 - f. Provide a site geotechnical study based on proposed site grading, LID and building plans. The study should include parameters for the proposed LID, including percolation rate and saturation zone.
 - g. Provide any required easements and vacate any unused easements within the proposed building areas.
 - h. Provide a HOA declaration for the common area maintenance and ownership. Include language in the declaration for HOA maintenance of the stormwater retention/detention system.
 - i. Driveway on Lot 1 need to be located on the north or west side of the lot at least 40' from the corresponding street right-of-way line.
 - j. Provide Street lighting, type and locations need to be approved by Murray City Power.
 - k. Provide a subdivision improvement bond prior to recording the plat.
 - l. Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading and construction work.

- m. Obtain a City Excavation Permit for work within City roadways.
2. The subdivision shall meet the requirements of the Murray City Fire Department. All accesses must meet the requirements of International Fire Code (IFC) 2018 appendix D.
3. The developer shall meet Murray City Wastewater Division requirements.
4. The developer shall meet all requirements of the Murray City Water Division.
5. The developer shall meet all Murray City Power Department requirements.
6. The applicant shall work with the Planning Division to provide elements in the open space areas to activate the space to be more usable by the residents.
7. The applicant shall work with Planning Division staff to prepare a landscaping plan that includes preliminary front yard landscaping. This shall include a minimum of one (1) tree.
8. The applicant shall prepare and submit draft Home-Owners Association documents appropriately providing for the continued maintenance and care of commonly held property and improvements in the project for review and approval by City staff.
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. An 8' masonry fence is required along the west side of the property.

Seconded by Maren Patterson.

Call vote recorded by Mr. Smallwood.

 A Maren Patterson
 A Ned Hacker
 A Travis Nay
 A Jeremy Lowry
 A Jake Pehrson
 A Michael Richards

Motion passed 6-0.

OTHER BUSINESS

There was no other business.

Jake Pehrson made a motion to adjourn at 7:40 p.m. Seconded by Lisa Milkavich. A voice vote was made, motion passed 6-0.



Jared Hall, Planning Division Manager