

Minutes of the Planning Commission meeting held on Thursday, March 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
 Travis Nay
 Maren Patterson
 Ned Hacker
 Lisa Milkavich
 Michael Richards
 Jared Hall, Community & Economic Development Director
 Susan Nixon, Associate Planner
 Seth Rios, Planner I
 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

Ned Hacker made a motion to approve the minutes from the March 3, 2022, meeting. Seconded by Lisa Milkavich. A voice vote was made, motion passed 7-0.

CONFLICT OF INTEREST

Mr. Lowry stated he has a conflict with agenda items #4 and #6 and stated he knows both applicants personally and will abstain from voting.

APPROVAL OF FINDINGS OF FACT

Jake Pehrson made a motion to approve the Findings of Fact for AK Granite and Kum & Go Gas Station and Convenience Store. Seconded by Travis Nay. A voice vote was made, motion passed 7-0.

DIRTY DEVIL DISPOSAL – 4540 South 200 West – Project #22-019

Seth Rios presented the request. The applicant is requesting Conditional Use Permit approval to allow the storage of refuse containers within the M-G Zone on the property located at 4540 South 200 West. The storage containers are used in construction sites for waste. The applicant would only store empty containers on the subject property. He will store them overnight along with a few trucks that are used to carry the trailers to locations. The trash and debris are disposed of elsewhere and not kept on the site. This proposed use fits the character of what is there already. The conditions consist of updating the landscaping, operating at specific hours and obtain a business license. Staff is recommending that the Planning Commission approve the Conditional Use Permit for storage of refuse containers subject to the

three conditions.

Lon Hinckley, applicant, at 4471 Camille Street has read the conditions and had a few questions. Don Ottley, property owner, stated the pictures shown are taken in the winter and there are no leaves on the trees or bushes, but it looks pretty nice in the summertime. He felt there are more trees and shrubs than required for landscaping by the Murray plan. He asked if the landscaping is to be outside the fence between the property and the street or inside the fence.

Ms. Milkavich asked about the containers since the code for that zone is that no waste may be stored on the property. Mr. Hinckley confirmed there is no waste there.

Mr. Rios stated the landscaping requirement is a certain amount of one-gallon and five-gallon shrubs and trees per 100' of frontage. For this site it requires seven trees, eleven five-gallon shrubs and twenty-one one-gallon shrubs per 100' of frontage and there is a 10' buffer area that is supposed to be dedicated for landscaping. Mr. Hinckley asked for clarification whether it is outside the fence or inside the fence. Mr. Hall clarified the buffer is measured along the property line and if there are tree's that can be pruned and worth saving they can be included in that number. The condition is to work with staff to develop a landscaping plan that meets the code. Mr. Hinckley stated he can comply with the conditions. Mr. Pehrson stated it looks like there is a mass of shrubbery and asked how the amount is determined from what is already there. Mr. Hall stated the bigger ones could count as the five-gallon shrubs and a five-gallon could count as a one-gallon shrub. It doesn't have to be lawn it could be xeriscaping or ground cover. Ms. Milkavich asked if there is a list of what qualifies as one-gallon or five-gallon. Mr. Hall stated there is not but once the mass is pruned back it is easier to determine the number.

Mr. Lowry opened the meeting for public comment.

Donald Ottley, 2682 Mont Sur Drive

Our business, Ottley Floor Company has been at this property for the past 50 years. We own both pieces of property. The trees there are extremely healthy we had to cut them back to almost nothing last summer, by fall they had full growth. The trees measure from the south end of the property where there is a fence and from the gate to the corner of the property is 75'. Don has been leasing the property and running his business there and he operates a very clean operation and the dumpsters when and if there are empty.

No further comments were made and the public comment portion was closed.

Lisa Milkavich made a motion for to approve the Conditional Use Permit to allow the storage of refuse containers at the property addressed 4540 South 200 West subject to the three conditions with an additional fourth condition stating the containers must remain empty.

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The applicant shall only move storage containers during business hours between 6:00 a.m. and 10:00 p.m.
3. The applicant shall provide proper landscaping improvements, according to Chapter 17.68 of Murray City Land Use Ordinance.

4. The containers on-site must remain empty.

Seconded by Maren Patterson.

Call vote was recorded.

 A Jake Pehrson
 --- Jeremy Lowry (abstained)
 A Lisa Milkavich
 A Travis Nay
 A Maren Patterson
 A Ned Hacker
 A Michael Richards

Motion passed 6-0.

FERNANDEZ SERVICES, LLC – 5412 South 900 East – Project #22-025

Seth Rios presented the request. The applicant is requesting approval of a Conditional Use Permit to allow the operation of a wedding reception business within the C-D Zone on the property located at 5412 South 900 East. The subject property is in an established retail center west of 900 East and north of 5600 South. The applicant proposes to occupy a 6,300 square foot unit next to Octapharma Plasma. Some minor remodeling to the interior of the existing unit will include replacing a few fixtures, adding an additional entry to the women’s restroom, and adding a vestibule. The site will be used for events on the weekends. Wedding receptions and similar events, like quinceñeras, will be hosted on Saturdays from 3:00 p.m. to 11 p.m. and proposes to only have one employee and be closed during the weekdays. 900 East is mostly commercial and general office, so it fits the surrounding area. The issue with the property is the landscaping does not conform with current code. Parking will require 22 stalls. Mr. Nay asked in regard to the business hours there is nothing to preclude them from being open during the week. Mr. Rios stated there isn’t a limit for operating hours in the C-D Zone. Ms. Milkavich stated weddings can go late into the night often beyond 11 p.m. Mr. Rios confirmed there is not residential close by it is a shopping center and wouldn’t be disrupting too many neighbors. Mr. Lowry stated they would have to conform with any noise ordinances. Mr. Pehrson stated there may not be much difference between this and a Walmart being open at 2:00 a.m.

Applicant, Fernando Peralta, 3484 West Spaulding Road, stated his concern with the landscaping as they don’t have a frontage. He stated they do not go past 11p.m. and that many reception centers close by 11p.m. He stated he is willing to comply except for the landscaping and added there are 30 parking stalls in the back, 15 on the side and 25 in front.

Mr. Rios addressed the applicants concern about the landscaping, he verified the parcel area and where the front property line is along Woodoak Lane. Applications for Conditional Use area mechanism for the city to have the property brought into compliance with landscaping. Ms. Patterson confirmed the applicant can work with the property owner to meet the landscaping requirement. Mr. Nay added this requirement would come along with any conditional use permit. Mr. Rios reiterated the specific landscaping for 900 East is (23) trees, (38) 5-gallon shrubs, (75) 1-gallon shrubs and Woodoak Lane is (9) trees, (15) 5-gallon shrubs, (30) 1-gallon shrubs. The applicant will also need to apply with the Building Department for a change of use

prior to getting a Business License. Staff is recommending that the Planning Commission approve the Conditional Use Permit for a Wedding Reception Business subject to the conditions.

Mr. Lowry opened the meeting for public comment.

Richard Forsyth, 563 West 500 South, Bountiful

We are the property management agent for the owner which is Oak of 900 Partners out of Southern California. We were not aware of this ordinance and this came as a surprise to the client. I cannot authorize this, the client needs to. Does the building left of Nuttalls Sewing also required to have shrubbery. This is a large portion of the shopping center, approximately 6,500 ft² there is some vacancy in the center and if those were to be leased would the same be required. Prior to this use there was a computer store there and before that it was a clothing store which were permitted and wouldn't have required this. We will have to go back to the client and go from there.

Mr. Lowry reiterated the requirement for conditional use. Mr. Hall explained any use that has been the previous use like that of Gandolfo's then the ordinance does not kick in. It is when you have to ask the Planning Commission for a special approval like a conditional use that this ordinance applies.

Applicant, Fernando Peralta, stated he is willing to comply with the conditions.

The commissioners specified they can work with staff to come up with a landscaping plan. Mr. Nay stated the property owners should look at this as an investment in their property that will help long term with their lease rates and maintain the quality of the development.

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

Travis Nay made a motion to approve the Conditional Use Permit to allow a wedding reception center at the property addressed 5412 South 900 East subject to the three conditions:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The applicant and property owner shall provide proper landscaping improvements, according to Chapter 17.68 of Murray City Land Use Ordinance.
3. The applicant shall provide documentation to Planning Division Staff that the property owner will be able to accommodate the twenty-two (22) parking spaces that are required for this use

Seconded by Michael Richards.

Call vote was recorded.

 A Jake Pehrson
 A Jeremy Lowry
 A Lisa Milkavich
 A Travis Nay

A Maren Patterson

 A Ned Hacker

 A Michael Richards

Motion passed 7-0.

EREKSON PLACE SUBDIVISION AMENDMENT – 5817, 5825 & 5837 South Majestic Pine Drive – Project #22-021, 22-022, 22-023, & 22-024

The applicants are requesting Planning Commission approval to allow an Amendment to the Erekson Place Subdivision in order to adjust boundary lines and combining parcels with Lots 12, 13, and 14. Susan Nixon presented the request. The City Council recently approved a zone change for the back parcels of the properties addressed 5817, 5825 & 5837 South Majestic Pine Drive from R-M-10 to R-1-8 with the intent that the owners would come back and consolidate the lots and amend the subdivision. The properties are currently R-1-8 with two homes, one on lot 14 and one on lot 12. The property between the two, Lot 13, is vacant. Lot 13 will be combined with the back parcel and lot 14 will combined with the back parcel. They will eventually sell Lot 13. All the lots meet and exceed by far the minimums for 8,000 ft² in the setbacks in the R-1-8 Zone. This change brings the properties into compliance. State Law Utah Code 10.9a.608(2)(a)(i) allows for property owners to amend subdivisions by way of deed and going through this approval process and they do not have to record a plat. Notices were sent to all the neighbors within 300 ft and there was only one inquiry about what the proposal was for. Staff has found that the application meets the subdivision regulations, the lot consolidation and boundary line adjustments in the R-1-8 Zone and meets the regulations of title 16 and State Code 10.9a.608. Staff is recommending that the Planning Commission approve the proposal for Erekson Place Subdivision to amend the boundary lines and combine the properties for lots 12, 13, and 14, subject to the conditions.

Applicant, Karen Hansen at 5837 South Majestic Pine Drive, stated her back property has never complied and this is to make that happen. She added they have reviewed the conditions and are willing to comply.

Mr. Lowry opened the meeting for public comment. There were no comments made and the public comment portion was closed.

Michael Richards made a motion to approve the subdivision amendment for Erekson Place Subdivision amending the boundary lines and combining the properties between lot 12, 13, and 14 for the properties addressed 5817, 5825, and 5837 South Majestic Pine Drive subject to the four conditions:

1. Meet the requirements of the City Engineer, including the following:
 - a. Meet City subdivision requirements for lot consolidation and boundary line adjustments.
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.
4. Applicants to provide a recorded copy of the “Notice of Approval” and the “Deed” adjusting the property lines and combining the properties to the Community Development Planning Office.

Seconded by Jake Pehrson.

Call vote was recorded.

 A Jake Pehrson
 - Jeremy Lowry (abstained)
 A Lisa Milkavich
 A Travis Nay
 A Maren Patterson
 A Ned Hacker
 A Michael Richards

Motion passed 6-0.

RIDGE CREEK SUBDIVISION AMENDMENT – 5753 South Ridge Creek Road – Project #22-028

Susan Nixon presented the request. The applicants are requesting Planning Commission approval to allow an Amendment to the Ridge Creek Subdivision to adjust boundary lines between Lot 16, and the westerly portion of Lot 1, Bradley Development Subdivision 2nd Amended. The property is located at 5753 South Ridge Creek Road and the back parcel was recently re-zoned from A-1 to R-1-8 with the intent that this property would be combined later. The home that fronts on Ridge Creek Drive is in the Ridge Creek Subdivision and the back parcel were previously part of the Bradley Development Subdivision. This request will amend the boundaries of Bradley Development Subdivision and amend Ridge Creek Subdivision by adding this small parcel of 2,540 ft². The property is .288 acres and will be 12,548 ft² with the combination. The minimum area is 8,000 ft² for the R-1-8 Zone and the A-1 Zone requires a minimum of one acre. The properties both far exceed the minimum requirements as far as area and setbacks. Notices were sent out to all the neighbors and no inquiries were received. Staff has found that this application meets the subdivision title 16 code, Utah State Code section 10.9a and that the proposed lot parcel consolidation complies with R-1-8 title 17.100 and A-1 title 17.92. Staff is recommending the Planning Commission approve the amendment subject to the four conditions.

Sam Johnston at 350 West Pierpont Avenue, stated he is representing Clark and Susan Johnston for this application. The applicants built the home in 1988 and have lived there since. This subdivision sits along a ridge and there is a creek down below and is quite steep and wild. When the subdivision was drawn up there is a small lip of property all along the ridgeline that has always belonged to the property owners below rather than above and consequently the property owners below have no way of accessing this parcel due to the steepness of the ridge and the property owners above wanted to do something with it but never have been able to. After many years of asking the property owners below to sell them the parcel they finally agreed. They have now purchased the parcel. The deed has been recorded and they have prepared the warranty deed to deed the two properties back to the same ownership in order to accomplish the consolidation which will be recorded tomorrow. He stated they have reviewed and are willing to comply with the conditions.

Mr. Lowry opened the public comment portion. There were no comments made. The public comment portion was closed.

Ned Hacker made a motion to approve the proposed subdivision amendment for Lot 16 of the Ridge Creek Subdivision and the 2,540 ft² parcel of Lot 1 of the Bradley Development Subdivision 2nd Amendment allowing the two properties be combined for the address 5753 South Ridge Creek Road subject to the four conditions:

1. Meet the requirements of the City Engineer, including the following:
 - a. Meet City subdivision requirements.
2. Meet the Power, Water, Sewer and Fire Department requirements.
3. Meet all requirements of Sections 17.96, 17.100 of the Murray Land Use Ordinance for the A-1 Zone and R-1-8 Zone.
4. Provide a recorded copy of the "Notice of Approval" and the "Deed" combining the two properties to the Community Development Planning Office.

Seconded by Lisa Milkavich.

Call vote was recorded.

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

Motion passed 7-0.

OTHER BUSINESS

Susan Nixon announced that Jared Hall is the new Director of Community and Economic Development. The commissioners cheered and congratulated Mr. Hall.

Ms. Milkavich asked how the new city hall is coming along. Mr. Hall stated it is coming along well and the projected date of completion is March 2023. There is a video that shows a walk-through of the current construction of the building. He added there are a few applications coming forward in the MCMU, MCCD and TOD Zones.

Ned Hacker made a motion to adjourn at 7:28 p.m. Seconded by Michael Richards. A voice vote was made, motion passed 7-0.



Jared Hall, Director