

Minutes of the Planning Commission meeting held on Thursday, April 7, 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
 Zachary Smallwood, Senior Planner
 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

Lisa Milkavich made a motion to approve the minutes from the March 17, 2022, meeting. Seconded by Travis Nay. A voice vote was made, motion passed 7-0.

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 Fernandez Services and Dirty Devil Disposal. Seconded by Maren Patterson. A voice vote was made, motion passed 7-0.

MODERN DISPLAY – 5959 South State Street – Project #22-041

Zachary Smallwood presented the request. The applicant is requesting approval for construction of new docking bays and site improvements at 5959 South State Street. The docks will descend below the ground by four feet. The back of the property was being used for parking and they will be removing those stalls. The parking is still over the required amount on the site. They are also proposing to divide the existing building into three separate units to be leased out. As part of this process, staff determined that an update to the parking landscape islands would be necessary. Staff is recommending that the Planning Commission approve the site plan.

Applicant, Ben Steggel at 104 West 1700 South, has read the conditions and is willing comply.

Mr. Lowry opened the meeting for public comment.

Harold Broadbank, Murray

I am in the medical office to the south and I want to know the timeline on this.

Mr. Steggel stated they are slotted to open in August.

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

Maren Patterson made a motion for the Planning Commission to approve the proposed Modern Display Site Plan to add docking bays and site improvements at the property addressed 5959 South State Street subject to the seven conditions.

1. The project shall meet Murray City Engineering requirements including the following:
 - a) Repair/replace damaged sidewalk along the property frontage to State Street.
 - b) Obtain a UDOT permit for any work in the State Street right-of-way.
2. The applicant shall meet all Fire Department requirements.
3. The applicant shall meet all Water Division requirements and specifications.
4. The applicant shall meet all Sewer Division requirements.
5. The applicant shall meet all landscaping requirements of Section 17.68 of the Murray City Land Use Ordinance for approval with the building permit.
6. The applicant shall meet all parking requirements of Section 17.72, including ADA stall regulations.
7. The applicant shall meet all sign requirements of Section 17.48 and obtain separate building permits for all signage.

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.

SALT LAKE POWERLIFTING – 689 West 5300 South – Project #22-035

Seth Rios presented the request. The applicant is requesting approval of a Conditional Use Permit to allow the operation of a bodybuilding studio within the C-D Zone on the property

located at 689 West 5300 South. He described the layout and equipment in the space. It will be a power lifting gym and is smaller than other gyms in shopping centers. All activities will take place inside the building. Staff is recommending approval of the Conditional Use Permit based on the four conditions.

Applicant, Houston Collette at 689 West 5300 South stated he will be moving in 10 months to a bigger space and is willing to comply with the conditions.

Mr. Lowry opened the meeting for public comment.

Mr. Rios stated there was one comment from the property nearby stating they have no problem with this business.

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

Ms. Milkavich commented that typically conditional use for gyms restrict the activities to take place inside the building and not in the parking lot and asked if that condition should be added. After discussion with staff and commission it was decided that a condition restricting outside activity be added to the conditions. Mr. Collette verified all activities are indoor and stated he would comply with the additional condition.

Travis Nay made a motion to approve the Conditional Use Permit to allow a powerlifting gym at the property addressed 659 West 5300 South subject to the four conditions with the addition of a fifth condition, all activities shall remain inside the building:

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 project shall comply with all applicable building and fire code standards.
4. The applicant shall obtain permits for any new attached or detached signs proposed for the business.

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.

HEAVY DUTY AUTO BODY & PAINT – 4078 South Commerce Drive – Project #22-044

Seth Rios presented the request. The applicants are requesting Conditional Use Permit approval to allow an auto sales business within the M-G Zone on the property located at 4078 South Commerce Drive. The applicant would run the business mostly out of the two offices on the south side and as it grows, she would use the next two offices. The storage space attached to the building will be used to store the cars for sale. There are 15 parking stalls available. There is additional landscaping needed on the frontage. Staff is recommending that the Planning Commission approve a Conditional Use Permit subject to the five conditions.

Applicant, David Olvera at 4078 South Commerce Drive stated their willingness to comply with the conditions.

Mr. Lowry opened the meeting for public comment.

Mr. Rios stated the property owner reached out confirming his support.

There were no comments made and the public comment portion was closed.

Michael Richards made a motion to approve a Conditional Use Permit to allow an auto sales business at the property addressed 4078 South Commerce Drive subject to the five 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 project shall comply with all applicable building and fire code standards.
4. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
5. The applicant shall maintain clear, appropriate vehicular access to the overhead doors on the building at all times. The applicant shall maintain a Utah Motor Vehicle Dealer's License.

Seconded by Jake Pehrson.

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 6-0.

STUDIO 56 – 170 West Winchester Street – Project #22-046

Susan Nixon presented the request. The applicants are requesting Conditional Use Permit approval to allow an expansion of the existing Dance Studio on the subject property. The property is on 170 West Winchester Street in the R-N-B, Residential Neighborhood Business Zone, on the north side of Winchester. The dance studio was originally approved in November 2012 for the existing site. There was a home in front that was recently demolished with the intent of additional parking for the dance studio. Staff reviews the Residential Neighborhood Business Zone to make sure projects fit into the area and they meet R-N-B criteria. There is a dental office nearby that was recently approved and has a 20' setback and 24' height, and an office condominium project which has a 20' setback and 30' height. The renderings provided by the applicant show gray siding, black roof, and black trim around the windows. The request is to add on to the existing studio with all the parking up front. They want one way traffic to enter on the east and exit on the west. There is more than adequate parking proposed. The landscaping has more than required but they would need to move or add some trees and shrubs to the frontage. The existing floor plan has a dance studio and office area, the addition would include another studio on the main floor and two dance studios and an office on the upper level. The hours of operation are limited in the R-N-B to 7am to 10pm. 15% of the total site must be landscaped and the plans indicate 20%. There is not outdoor lighting in the parking lot proposed. The maximum height in the zone is up to 35' for single family residential, the R-N-B has a maximum of 30'. The proposed height of the building is 29'. Staff has found that the request meets the conditions and is recommending approval subject to the eleven conditions.

Applicant, Amy Moore at 700 East 5600 South, stated she has reviewed the conditions and is willing to comply with the conditions.

Ms. Milkavich asked if they would be operating during construction. Ms. Moore stated they would be operating and added the project will take time but is scheduled to be completed by January.

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

Ms. Milkavich mentioned there are two conditions that are similar and only need one or the other. Condition ten is preferable because it includes the irrigation and condition five could be eliminated. The commissioners agreed.

Lisa Milkavich made a motion to approve the Conditional Use Permit to allow an expansion of the existing Dance Studio on the property addressed 170 West Winchester Street subject to the ten conditions, as modified.

1. The project shall meet the requirements of the City Engineer, including but not limited to the following:
 - a) Meet City storm drainage requirements, on-site retention of the 100-year 12-hour storm is required.
 - b) Accesses need to be signed and striped for one-way use. Sign and strip the east access as ENTER, and west access as EXIT.
 - c) On-street parking needs to be avoided near the drive accesses to allow adequate line of sight for vehicular access onto Winchester Street.

- d) Repair/replace any damaged curb and gutter and sidewalk along the Winchester Street property frontage.
 - e) Terminate unused water and sewer services as per City standards.
 - f) Develop and implement a site SWPPP prior to beginning any site work.
 - g) Obtain a City Excavation Permit for work in the City right-of-way.
2. The project shall comply with all applicable building and fire code standards, including meet the IFC 2018 Fire and Building Codes
 3. The applicant shall obtain building permits, and provide complete stamped, signed plans including structural calculations and possibly a soils report upon application for building permits.
 4. The applicant must meet all Murray City Power Department requirements and provide required easements for equipment and Power lines.
 5. The applicant shall work with Planning Division Staff to modify the Site Plan to include the following a minimum twenty-five foot (25') wide vehicular access from Winchester Street.
 6. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
 7. The hours of operation shall be limited to no earlier than 7:00 a.m. and no later than 10:00 p.m.
 8. The building shall be constructed using the architectural styles and materials proposed as reviewed in the Staff Report.
 9. Landscaping shall be installed on the site to meet the standards and requirements of Section 17.68 of the Murray Land Use Ordinance. Landscaping shall be irrigated and maintained in good condition.
 10. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.

Seconded by Ned Hacker.

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.

MURDOCH SUBDIVISION – 4580 South Commerce Drive - #22-036

Zachary Smallwood presented the request. The applicant is requesting preliminary and final

subdivision approval to subdivide the subject property into two commercial lots. They proposed that Lot 1 still front along 300 West. Proposed Lot 2 would front onto Jensen Lane. There are no minimum lot size requirements in the M-G zone and provided the proposed lot sizes. The application before the Planning Commission is to create separate parcels that the property owner could then sell, or lease. No buildings or uses are proposed at this time. If a building or use is proposed on Lot 2 it would have to go through the normal process to be approved. It has access on Jensen Way, is in the M-G Zone which has many allowances. Height is restricted to 35' if within 100' of a residential zone. Staff is recommending that the Planning Commission grant Preliminary and Final Subdivision Approval for the Murdoch Subdivision on the property located at 4580 South Commerce Drive subject to the two conditions.

Applicant, Carter Maudsley, 4580 South Commerce Drive and is willing to comply with the conditions.

Mr. Hacker asked if there will be two accesses. Mr. Maudsley confirmed that the Jensen Lane will be used as access to the rear property.

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

Maren Patterson made a motion for The Planning Commission to grant preliminary and final subdivision approval for the Murdoch Subdivision on the property located at 4580 South Commerce Drive subject to the two conditions:

1. The properties shall maintain conformance with the requirements of the M-G, Manufacturing General Zone as contained in Chapter 17.152 the Murray City Land Use Ordinance.
2. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.

Seconded by Jake Pehrson.

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

Mr. Smallwood explained there will be an appeal coming forward on the Kum & Go Gas Station. He also let the commissioners know that the April 21, 2022, meeting is cancelled.

Ms. Milkavich asked about the process for the appeal as well as the time frame. Mr. Smallwood explained the appeals process is anybody who is aggrieved can appeal the decision of the Planning Commission, however it is subject to the Planning Commission's decision. It goes to the Hearing Officer. The April deadline is passed for the Hearing Officer and will most likely go in May. The commissioners asked questions about the presentation, whether it has been assigned, and what happens if the Hearing Officer approves the appeal. Mr. Smallwood explained it would come back to The Planning Commission. Mr. Farnsworth added there are a number of different standards, and the lowest standard is arbitrary and capricious. Ms. Nixon added if the Hearing Officer overturns the decision because something was missed it is then brought back to the commission to address those issues. If it is not overturned, then they have the option to appeal in district court. Ms. Milkavich clarified, if filed, it would be an expense paid by taxpayers. Mr. Pehrson asked are conditions put on a Conditional Use Permit to mitigate the impacts. Mr. Farnsworth confirmed it is to mitigate the impact the development or the use would have on the surrounding area.

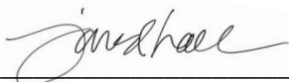
Ms. Milkavich asked if there are any other major upcoming projects. Mr. Smallwood clarified there is nothing major so far mostly smaller projects. He told the commissioners to gear up for a busy summer with all the state mandates, moderate income housing study, and text amendments. There was more discussion among the commissioners and staff about the moderate-income housing. Mr. Smallwood stated the housing report will need to be reviewed by staff annually and reported on and then reevaluated.

Mr. Smallwood mentioned the second part of the Taylorsville training is this Tuesday from 6-8 at Taylorsville City Hall. There are also several training videos available on Urban Planning that could be shown at the end of a meeting or emailed to the commissioners. There is documentation required to send to the State that commissioners have received their four hours of annual training.

Ms. Milkavich asked about the General Plan updates and MCCD update. Mr. Hall stated the General Plan needs the housing study in order to update the plan. MCCD and other mixed-use zones are being looked at by the council and the commission. He mentioned the survey that is being done that will gather data on what people want in the downtown area. The commissioners discussed the public wanting a replica of Holladay City in downtown but because it is on State Street it isn't feasible. More discussion was had about the zones and the council revisiting several zones and the survey. Mr. Hall added that once City Hall is built that area will generate more interest.

No other business was discussed.

Travis Nay made a motion to adjourn at 7:55 p.m. Seconded by Michael Richards. A voice vote was made, motion passed 7-0.



Jared Hall, Director