



MURRAY CITY PLANNING COMMISSION

NOTICE OF MEETING AND AGENDA

September 07, 2023

6:30 p.m.

Murray City Hall, 10 East 4800 South, Council Chambers

The public may view the Murray City Planning Commission meeting via the live stream at www.murraycitylive.com or <https://www.facebook.com/Murraycityutah/>. You may submit comments via email at planningcommission@murray.utah.gov. Comments are limited to 3 minutes or less, and written comments will be read into the meeting record. Please include your name and contact information.

CALL MEETING TO ORDER

BUSINESS ITEM(S)

1. Approval of Minutes

April 20, 2023
July 20, 2023
August 3, 2023
August 17, 2023

Attachments

1. PC 04.20.23 DRAFT.pdf
2. PC 07.20.23 DRAFT.pdf
3. PC 08.03.23 draft.pdf
4. PC 08.17.23 DRAFT.pdf

2. Conflict(s) of Interest

3. Findings of Fact

None

MAJOR HOME OCCUPATION REVIEW - ADMINISTRATIVE ACTION

4. Habomimama Delphine Daycare - 5953 South Jamaica Circle

Project # 23-091
Major Home Occupation - Residential Daycare

Attachments

1. Packet, Habomimama Delphine - MHO.pdf

CONDITIONAL USE PERMIT(S) - ADMINISTRATIVE ACTION

5. Legacy Materials - 4300 South Commerce Drive

Project #23-079

Retaining Block Production and Storage in the M-G Zone

Attachments

1. Packet, Legacy Materials.pdf

6. Pine River Roofing and Construction - 4627 South Cherry Street

Project #23-087

Roofing and Construction Contractor in the M-G Zone

Attachments

1. Second Packet, Pine River Roofing and Construction.pdf

7. Stunning Dance Studio - 687 West 5300 South

Project #23-090

Dance Studio Business within the C-D Zone

Attachments

1. Packet, Stunning Dance Studio.pdf

ANNOUNCEMENTS AND QUESTIONS

ADJOURNMENT

The next scheduled meeting will be held on **Thursday, September 21st 2023, at 6:30 p.m. MST in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.**

Those wishing to have their comments read into the record may send an email by 5:00 p.m. the day prior to the meeting date to planningcommission@murray.utah.gov. Comments are limited to three minutes or less (approximately 300 words for emails) and must include your name and address.

Supporting materials are available on Murray City's website at www.murray.utah.gov.

Special Accommodations for the hearing or visually impaired will be made upon a request to the office of Murray City Recorder (801-264-2662). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Committee members may participate in the meeting via telephonic communication. If a Committee member does participate via telephonic communication, the Committee member will be on speakerphone. The speakerphone will be amplified so that the other Committee members and all other persons present will be able to hear all discussions.

No agenda item will begin after 10:00 p.m. without a unanimous vote of the Commission.

At least 24 hours prior to the meeting, a copy of the foregoing notice was sent to the City Recorder to post in conspicuous view in the front foyer of the Murray City Center, Murray, Utah. A copy of this notice was also posted on Murray City's internet website www.murray.utah.gov and the state noticing website at <http://pmn.utah.gov>.

~ DRAFT ~

Minutes of the Planning Commission meeting held on Thursday, April 20, 2023, at 6:30 p.m. in the Murray City Municipal Council Chambers, 10 East 4800 South, Council Chambers, Murray, Utah.

The public was able to view the meeting via the live stream at <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.

Present: Lisa Milkavich, Vice Chair
Travis Nay
Ned Hacker
Michael Richards
Maren Patterson
Jeremy Lowry
Susan Nixon, Senior Planner
Zac Smallwood, Senior Planner
Mustafa Al Janabi, Planner 1

Excused: Jake Pehrson, Chair

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

There were no minutes to be approved.

CONFLICT OF INTEREST

There were no conflicts of interest identified.

APPROVAL OF FINDINGS OF FACT

Commissioner Hacker moved to have the commission approve the findings of facts and conclusions for the Design Review for the Murray Station Townhomes and the Conditional Use Permit for the Rhino Property Management.

Seconded by Commissioner Nay. A voice vote was made, motion passed 6-0.

SUBDIVISION REVIEWS

Waterstone Subdivision – 6566 South Jefferson Street - #22-012

Susan Nixon reviewed the request for a one-year time extension for Final Subdivision approval for the Waterstone PUD Subdivision. The Planning Commission granted final subdivision approval on May 19, 2022. Jacob Ballstaedt, representing Garbett Homes, has requested an additional one-year limit for recording the plat due to the market's drastic changes since this property was approved and the market slowdown has created some delays in starting new construction developments. Staff is recommending the Planning Commission grant the one-year extension subject to meeting the original conditions of approval.

Commissioner Milkavich asked the applicant if they have read the conditions and can comply with those conditions.

Jacob Ballstaedt, applicant representing Garbett Homes, responded yes to both questions and had nothing to add to the staff report.

Public comment was opened. No public comments were made. Public comment was closed.

Jeremy Lowry moved to approve a one-year time extension request for the Waterstone Subdivision Final Approval on the properties addressed 6566, 6562 and 6566 South Jefferson Street, subject to the eight conditions:

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 should not 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. Walkout basements and final lot grades must have finish elevation of at least 1.5 feet above the Jefferson Detention Basin high water level.
 - g. Obtain a temporary construction easement from Murray City for the storm drain outfall in the Jefferson Detention Basin.
 - h. Eliminate the subdivision gate access into the Jefferson Detention Basin.
 - i. 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.
 - j. Provide any required easements and vacate any unused easements within the proposed building areas.
 - k. Provide a HOA declaration for the common area maintenance and ownership. Include language in the declaration for HOA maintenance of the on-site stormwater retention/detention system, drainage swales and pipe.
 - l. The driveway on Lot 1 needs to be located on the south or west side of the lot at least 40' from the corresponding street right-of-way line.

- m. Provide Street lighting, type and locations need to be approved by Murray City Power.
 - n. Provide a subdivision improvement bond prior to recording the plat.
 - o. Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading and construction work.
 - p. 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 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.
 7. The applicant shall adjust the fencing plans to include an eight-foot (8') fence along the western edges.
 8. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.

Seconded by Commissioner Richards. Roll Call Vote:

<u>A</u>	Milkavich
<u>A</u>	Nay
<u>A</u>	Patterson
<u>A</u>	Hacker
<u>A</u>	Richards
<u>A</u>	Lowry

Motion Passes 6-0

Murdoch Subdivision – 4580 South Commerce Drive - #22-036

Susan Nixon reviewed the request for a one-year time extension for Final Subdivision approval for the Murdoch Subdivision. The Planning Commission granted final subdivision approval on April 7, 2022. The applicant has been working to obtain signatures on the plat but has not been able to get all the signatures prior to the one-year time limitation. For this reason, they have requested an extension. Staff is recommendation approval of the one-year time extension subject to the original conditions of approval.

Commissioner Milkavich asked the applicant if they have read the conditions and whether they can comply with those conditions.

Carter Maudsley, representing the applicant, responded yes to both questions. He noted the access is currently on Jensen Lane, which is part of the reason for the delay since they are trying to figure out whether Jensen is still owned by Murray City, or if it was vacated. The applicant is accessing the rear property off of Jensen now. In the final plat there was an easement done through Lot 1 to the rear of Lot 2.

Public comment was opened.

Gary Weston (Resident) said he wasn't here for this matter, but asked if this is a prescriptive easement or an easement grant, because you would want to know whether that is a prescriptive easement that needs to be upgraded to a granted easement, or whether it is in fact a granted easement.

Mr. Smallwood was unsure on the easement, typically the city engineer and team deals with that. That is one of the delays is that staff is trying to figure that out. In response to Mr. Weston's question, it is being taken care of but staff doesn't have an answer at this time.

Ms. Nixon noted that the city engineer brought this up a few months ago, but it was decided that the city can't force it; whoever buys Lot 2 will have to work something out, but it will not be on the plat.

Commissioner Patterson asked if the plat is recorded, is there still a way for the owner to get the easement/reciprocal agreement in place after the fact. Ms. Nixon stated the owner could sell the property without an easement, but the buyer would not have access and an access easement could be obtained at a later date, but should be recorded with the Salt Lake County Recorder's office. The city would not approve this type of a situation for a residential lot since they have to have a recorded access easement or part of a lot as a flag lot, but commercial is different and the regulations are not the same.

Commissioner Hacker moved to grant the one-year extension for final subdivision approval for the Murdoch Subdivision on the property addressed 4580 South Commerce Drive, subject to the original final subdivision conditions of approval:

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 Commissioner Lowry. Roll Call Vote:

<u>A</u>	Pehrson
<u>A</u>	Nay
<u>A</u>	Patterson
<u>A</u>	Hacker
<u>A</u>	Richards
<u>A</u>	Milkavich

Motion Passes 6-0

CONDITIONAL USE PERMIT

Mercantile Towns PUD Subdivision- 861 East Winchester Street - #23-039 & #23-038

Mr. Smallwood presented the application from Scott Verhaaren, of the Boyer Company, to develop the subject property into 109 townhomes. The subject property is made up of nine (9) parcels located on the north side of Winchester Street and the west side of 900 East. The

property has been used as RC Willey, a regional furniture store, since the 1970s. The City Council approved a zone change from C-N to R-M-15 in September 2022. The application before the Planning Commission is for a Conditional Use Permit for Planned Unit Development and Preliminary Subdivision approval. If the Planning Commission approves the preliminary subdivision, the applicant will work with the city staff to prepare a final plat to be reviewed and approved by the Planning Commission. After final subdivision approval is granted, the applicant will prepare a final subdivision plat. When the final subdivision plat has been approved and accepted by the City Engineer, it will be circulated for signatures of approval which will allow the recordation of the plat at the Salt Lake County Recorder's Office. Staff is recommending approval of the planned unit development and granting of the preliminary subdivision approval, subject to conditions.;

Commissioner Patterson asked if they are allowed different fencing for different locations on the property. Mr. Smallwood responded yes. He brought this before the commission to have a discussion about the options and what the planning commission would like to see.

Commissioner Milkavich asked the applicant if they have read the conditions and can comply with them.

Scott Verhaaren, applicant representing The Boyer Company, responding to the fencing question that they typically find that the product type dictates the look of the fencing, and they would like to have the fencing mimic the architecture and they would like to work with staff on that. He discussed what they have done on other projects and how they would consider materials based on the height requested by the commission. Regarding the elevations and height, if they determine they can get a 26-foot width on certain roads they may come back and ask for some building heights exceeding 30 feet, but they understand that would only be done if they could meet the international fire code. The point on the grading and drainage is accurate, their engineers have worked that out so they can match what is currently there; specifically, over by the Framing Establishment which has been a bit of a challenge. Nothing presented is of concern to them, and they think they can work through those issues.

Commissioner Hacker asked what they meant by matching what is currently there. Mr. Verhaaren said the Fame Establishment to the north has asphalt for the parking and he believes they are close to figuring out how to make everything work with the same elevation across the site and having a gradual gain up to the site. He also noted that staff was correct in that they have a lot of fill to either dispose of or use it on-site. They had no idea that much fill was under the site until the slab floor was taken out.

Commissioner Nay noted that a concern constantly raised by residents is the drainage on the west side and the flooding into the neighborhoods seen throughout the years. In the project, they have added a stormwater retention basin, as well as eliminated many of the hard surfaces, and he asked if that should remedy the issues for the neighbors.

Mr. Verhaaren said it should, as they have eliminated a bunch of the impervious surface area and added retention basins designed to city standards. They don't believe there will be any more flooding issues there. There are some downstream issues in the stormwater system itself on the site, so if there is a backup at any time in the future with some of the 90-degree angles he thinks the detention basin should be able to handle that. Regarding the fencing, he stated they will

work with staff to ensure it is done to the city's desire; they would just like to have the flexibility, based on the final designs, to make sure everything matches the homes.

Commissioner Milkavich opened the public hearing for comments.

Gary Westin, resident, stated that he lives about four blocks north of this project and all of them in the Southwood Subdivision are very interested in what's going on and how it's being handled. He asked about the southernmost entrance to 9th East, right by the north line of the service station there, is that supposed to be an ingress, or just an egress. He stated it is so close to Winchester, if people are just exiting there they can make a right-hand turn and if it's just a right turn only that's fine; but, to exit there and try to go north is impossible. He expressed concern when traveling along 9th East between 3:00 in the afternoon and 6:30 in the evening and the traffic backing up there at Winchester and 9th East. He stated there is just no way you can really have traffic coming out of that south entrance and making a left turn. Mr. Westin asked if this project is going to be residential as opposed to commercial. He asked will the developer and Planning Commission be requiring owner-occupied on the 109 units. He expressed concern because a lot has been said in the past that we needed to have subsidized housing in this location. One hundred and nine units of subsidized housing invites non-owner-occupied people buying those units only for investment purposes and rent them out. If this is the case, then there will be a substantial group of people there who do not have a vested interest in the upkeep of the subdivision.

Shawna Nelson, resident, said she is directly behind in the proposed playground area. She stated she is not a huge fan of the plan and would have much rather had a cemetery and homes or duplexes. She stated Spencer Moffatt has been awesome to work with and listen to their concerns. She stated her biggest concern is that the existing fence is a six-foot-high masonry wall or more of a slab. It is six feet high on her side of the fence, but on the other side it is five feet one inch and if a person is taller than five feet two inches, they can see directly into her yard. She asked that whatever fencing is out there, that it be at the highest level, whether it's six or eight feet, just so they can have more privacy. The homeowners west of her fought a little bit harder when RC Willey came around, so their fences are taller, but from her home further east it just goes with the elevation and there is less privacy.

Ken Maxfield, resident, said he has been working with Scott at Boyer about dealing with the easement between their property and the Framing Establishment. They have been willing to work with them and that has been very pleasant. He stated he is concerned about whether the existing foundation for the RC Willey warehouse is going to stay there back along his property. He asked what that elevation is going to look like. Another concern is fencing between residential and commercial property. Thankfully there is a road all along that property line so that's a good thing and a nice fence to isolate the residential from the commercial would be in order along there as well.

Mr. Smallwood noted there was an email received from a resident, Nicole Shepherd, but she asked that it not be read into the record. It will be submitted into the record, but not read. The Planning Commission did receive a copy of it and has already read it.

Mr. Smallwood read an email received from Tanner Webster. *Hello, I wanted to send a short email in support of the Boyer Group's plans for development. I think the concepts look nice and Boyer is a great developer. I believe they will be the best fit for the area and this project. Also, I*

would love to see the city incentivize for sale development instead of for rent some day. I also hope everyone realizes that at one point someone was likely against their home being developed.

Another email received from Jamie Truwitt with no address. *The proposal being presented this evening from the Boyer Group for townhomes has my support as an ownership medium density project.*

Public comment was closed.

Mr. Smallwood began addressing concerns from the public. Regarding the 9th East access on the south, currently they are proposing for it to be a full access. However, as one of the conditions state, the applicant does have to go before UDOT to get those accesses approved and they may require a right in, right out. If this was something the city could impose as a condition, staff would have suggested it in their review. Next, this development will only be residential as the R-M-15 only allows residential with few exceptions like a school or communication tower. Regarding owner-occupied, these are proposed for sale but the city, as a government body, cannot dictate owner-occupied versus rental products. Regarding subsidized housing, some of the project can be subsidized housing, but this applicant is not proposing any. There are low-income tax credits, and the city would have to write a letter in support of that as part of the application process; that has not been done for this project. Regarding the fencing, he agrees with the six or eight-foot fence on the highest side, that is something that is allowed in the code. He encouraged the applicant to place the fence on the higher side. He discussed the elevations and how they are shown on the map, noting that the lines on the map do not take into account the building in terms of grading, they are only describing the land underneath. He discussed the access easement and possible previous vacation of the easement, noting that they could have the applicant build a fence along that property line without encroaching in that easement.

Commissioner Lowry asked if there would be curb and gutter on the north portion. Mr. Smallwood responded yes.

Ryan Hales, traffic engineer, reviewed his traffic study included in the meeting packet.

Commissioner Hacker asked for Mr. Hales' thoughts on UDOT's reaction to the access being as close as it is to Winchester. Mr. Hales responded that they will look at it, but he believes their biggest concern will be with the gas station access next to it and they will want to try and combine the two accesses.

Spencer Moffatt, the applicant representative from The Boyer Company, stated they have met with UDOT, and they are excited for the consolidation of accesses to 900 East. Regarding the north access and the Framing Establishment, that will be a shared access so the Framing Establishment can have access to their parking lot. Curb and gutter will start at their building and they intend to do a wall, shielding the view of the storage building behind them. The RC Willey foundation will also be removed in the future and have not had the crews do that yet. He discussed the collaborative process with the nearby residents and discussed the deed overlap with some of the shared property lines. They do not intend to take that space back and will work with the residents to quit claim deed that as part of the fencing discussion. They have multiple

vendors for the fencing and in the high-traffic areas, they will definitely want a masonry concrete fence for safety.

Commissioner Nay acknowledged a project recently done by Brad Reynolds Construction. His project was required to have an eight-foot fence along his project located further to the west on Winchester Street which is a terrible area to walk along the street. Mr. Nay recommends along 900 East and Winchester that they extend the sidewalk to six feet, in addition to the two feet for the park strip already in place; this would take away from some of the setbacks on some units, but they need to be cognizant of those outside the development as well. He also believes the eight-foot fence is appropriate and beneficial to the residents fronting those roads. Commissioner Lowry supports Commissioner Nay's recommendations.

Commissioner Hacker noted there have been previous discussions about the sidewalks and concessions for the units along both 900 East and Winchester to give more leeway for the setbacks. The commission discussed the current setbacks and what the above changes would mean for those units.

Commissioner Patterson agreed that adding the park strip and wider sidewalk will help prevent issues similar to the gauntlet example, but she also thinks the visual breakup and having things offset will be helpful. She also believes it would be more neighborly to put the fence at the higher grade for the residential neighbors and their privacy.

Mr. Verhaaren asked to clarify the intent of the suggestions regarding the additional footage, will the city be granting them a shorter setback? Commissioner Nay responded yes.

Mr. Verhaaren addressed the comments regarding the uncomfortable experience of walking along the tall fence and noted that these will be residences 20 feet away from the wall. They have found issues with the eight-foot-high fences, as that is the height of their home essentially, and they are unable to see out of the back or see light; in particular. He stated that in the City of Highland, they actually had to go back and re-do fences for those reasons. They have gone away from eight-foot walls for those reasons. They like to have an open feeling and if they are setting these on the existing grade plus eight feet, that would result in a 10-foot wall on the north side.

Mr. Hall shared his feelings about an eight-foot wall around the north and west sections. This is a for-sale product and they have to market it, so he understands that they have to create something they think they can sell. It is imperative to him that there is an eight-foot fence for the existing residents around the project.

Mr. Verhaaren noted that the grading will change, and they are open to the eight-foot fence since the closest fence in those areas would be 55 feet from the residence. They are platting these as individual lots, they have not decided if they are for sale or rent, but both options are on the table. He also added that none of these will be subsidized housing unless the market falls and they have to subsidize them by selling them.

The commission and applicant discussed their final thoughts on the fencing.

Commissioner Milkavich asked for cement or masonry fencing offset from the sidewalk slightly so there is a little space.

Commissioner Nay noted that is only taking more space away from the backyards, as they are already limited in the room available.

Commissioner Milkavich asked the applicant, where possible, to give some extra room next to the sidewalk. Mr. Verhaaren was open to that recommendation.

Commissioner Patterson stated she likes the amenities here, specifically the landscaping, the extra parking, and a few other items that showed this was a well thought through project.

Commissioner Nay discussed the email that was sent in but not read into the record which noted concerns for the mental health of the current residents based on the change in use, weird lights coming into the property, air quality, etc. He responded with examples of how this proposed project affects the items listed and that he didn't feel they were detrimental.

Commissioner Milkavich addressed the applicant deeding the additional four feet to the adjacent property owners, noting that it works great when the neighbors want that four feet. This then puts the burden on the residents to the north to then consolidate and combine those parcels, which can be expensive and cumbersome. The city is now trying to mitigate that, and the commission was not aware prior to this that there was an issue.

Mr. Hall noted that they don't need to include the property line changes because it is a discussion between two property owners. The commission discussed the options for that space and how they would deal with property owners who don't wish to have that additional land deeded to them. The commission asked staff to look at the issue and have recommendations prior to the final approval. Ms. Nixon agreed to that.

Commissioner Nay moved to approve the Conditional Use Permit for Planned Use Development and Preliminary Subdivision approval for Mercantile Towns on the properties addressed 861 East Winchester Street and 6520, 6550, 6580 South 900 East; subject to conditions one through ten as submitted with the addition of conditions 11, 12 and 13:

1. The applicant shall meet all requirements of the Murray City Engineer, including the following:
 - a. Meet City subdivision and PUD requirements. The plat should include street names, unit addresses, PUE's, and common areas.
 - b. Vacate the existing sewer easement that is located on the west end of property and provide sewer easement for the proposed alignment.
 - c. Relocate or accommodate the existing 20 foot right-of-way along the north boundary with 9th East Management LLC.
 - d. Obtain a UDOT site access review and permit for 900 East access.
 - e. Obtain a UDOT approval and City agreement for emergency access to 900 East.
 - f. Provide a UDOT Level 2 Traffic Impact Study and implement recommendations.
 - g. Provide a site geotechnical study and implement recommendations.
 - h. Provide utility and street plan and profile drawings.
 - i. Meet City storm drain requirements. On-site detention with reduced release rate and water quality treatment is required.
 - j. Meet City well protection zone requirements.
 - k. Provide street lighting.

- I. Replace any damaged curb and gutter and sidewalk along property frontages to both Winchester and 900 East.
 - m. Sidewalks, pedestrian ramps, and crosswalks must meet current ADA Standards.
 - n. Provide stop signs, coordinate markers at all street intersections and no parking signs along the proposed streets.
 - o. Meet AASHTO site distance requirements for accesses onto Winchester Street and 900 East.
 - p. Provide a subdivision improvement bond prior to recording the plat (dedicated improvements only).
 - q. Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading and construction work.
 - r. Obtain a City Excavation Permit for work within City roadways.
 2. The subdivision shall meet the requirements of the Murray City Fire Department including the width of the access drives.
 3. The developer shall meet all Murray City Water Division requirements.
 4. The developer shall meet all Murray City Wastewater Division requirements.
 5. The developer shall meet all Murray City Power Department requirements and meet to discuss planning the new power service.
 6. The applicant shall provide detailed elevations of proposed structures prior to final subdivision review.
 7. The applicant shall ensure that all buildings are thirty feet (30') or less in height.
 8. The applicant shall provide a copy of the proposed CC&Rs to the Planning Division prior to final subdivision review.
 9. All units within the subdivision shall comply with the requirements of the R-M-15 Zone as outlined in Chapter 17.120 and Planned Unit Development as outlined in Chapter 17.60 of the Murray City Land Use Ordinance.
 10. Application for a Final Subdivision Review must be made within a one-year time period from Preliminary Subdivision, or the preliminary approval will be null and void. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.
- #11 - The applicant shall work with staff to propose a masonry fence up to eight feet on the remaining property perimeter.
- #12 – The applicant shall install an eight foot fence along the residential properties on the north and west.
- #13 – The applicant shall reduce the Winchester and 900 East setbacks to allow for a 16-foot sidewalk and two-foot park strip.

Seconded by Ms. Patterson. Roll Call Vote:

 A Pehrson
 A Nay
 A Patterson
 A Hacker
 A Richards
 A Milkavich

Motion passes 6-0.

ANNOUNCEMENTS AND QUESTIONS

There were no announcements made.

ADJOURNMENT

Commissioner Patterson moved to adjourn the meeting at 7:55 PM. A voice vote was made, motion passed 6-0.



Philip J. Markham, Director
Community & Economic Development Department

DRAFT

~ DRAFT ~

Minutes of the Planning Commission meeting held on Thursday, July 20, 2023, at 6:30 p.m. in the Murray City Municipal Council Chambers, 10 East 4800 South, Council Chambers, Murray, Utah.

The public was able to view the meeting via the live stream at <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.

Present: Michael Richards
Travis Nay
Lisa Milkavich
Jake Pehrson
Jeremy Lowry
Maren Patterson
Susan Nixon, Senior Planner
Zachary Smallwood, Senior Planner
Mustafa Al Janabi, Planner I
Member of the public per the sign-in sheet

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

There were no minutes approved during this meeting.

CONFLICT OF INTEREST

There were no conflicts of interest identified.

APPROVAL OF FINDINGS OF FACT

Findings of Fact

1. Mercantile Towns PUD
2. Mercantile Towns Preliminary Subdivision
3. Premier Strand Heating & Air
4. Stubler Subdivision
5. Berger Station Subdivision
6. Applegate Condominiums
7. Fuji Townhomes

Vice Chair Milkavich moved to accept the Findings of Fact for all seven items noted above and in the packet.

Seconded by Commissioner Richards. Roll Call Vote:

A Pehrson
A Nay

A Lowry
A Milkavich
A Richards
A Patterson

Motion passed 6-0

SUBDIVISION REVIEWS

Hoggan Haven – 17 East 6150 South – Project #22-072 Final Subdivision Approval One-Year Time Extension

Ms. Nixon presented the application from Suzanne Hogan for a one-year extension, for the preliminary and final subdivision. The Planning Commission originally granted preliminary and final flag lot subdivision on July 21, 2022. City code requires that when final subdivision approval is granted that the plat must be recorded within one year. There is a clause in the code that allows for the applicant to request a one-year extension. Ms. Hogan has requested this because of the market and interest rate increases. To reiterate last year's application, both lots exceed the requirements of the R-1-8 zone, as far as area and setbacks. If the Planning Commission grants the approval, the plat must be recorded by July 20, 2024. The same conditions would apply if the extension is granted.

Chair Pehrson invited the applicant up to speak, asking her if she would be able to comply with the same conditions as the original agreement.

Suzanne Hoggan, the applicant, responded that yes, she will be able to comply with all the conditions in the original agreement.

Vice Chair Milkavich asked what happens if they aren't able to start the project within the coming year. Ms. Nixon responded that they would just have to reapply for subdivision approval.

Public comments were open and closed with no comments being made.

Commissioner Lowry moved to approve the one-year time extension for subdivision approval for the Hoggan Haven Flag Lot Subdivision of the property, located at 17 East 6150 South, subject to the eleven conditions:

1. The applicant shall meet all requirements of the City Engineer, including the following:
 - a. Meet City subdivision requirements.
 - b. Provide grading, drainage and utility plan.
 - c. Meet City storm drainage requirements, on-site retention of lot and driveway area are required.
 - d. Meet City utility standards, provide standard front rear and side yard PUE's on the lot.
 - e. Obtain a City Excavation Permit for work within City roadways.
2. The applicant shall meet the requirements of the Fire Department, including the following:
 - a. Maintain a twenty-foot (20') width on the access road.
 - b. Avoid having a setback greater than one hundred and fifty feet (150') from the road without consulting the Fire Marshal. Use IFC 2018 and applicable NFPA codes for reference.

3. The applicant shall meet all the requirements of the Murray City Wastewater Division, including the following:
 - a. Proposed location is acceptable where the lateral will only be under the drive approach and driveway for a short length. Keep in mind that clean-outs are required every 75 feet so multiple clean-outs will be required. Staff measured the lateral at approximately 160 feet.
 - b. Plat map needs to have separate signature boxes for both Murray water and sewer.
 - c. Sewer injection pumps are typically located inside the home not outside. What is the reasoning for outside? Should be located inside with a 6" lateral ran to the home foundation.
 - d. A new manhole does not have to be installed on 6150 South for the connection. A 6" tap can be done on the sewer line in place of the manhole.
4. The applicant shall meet all the requirements of the City Power Department, including the following:
 - a. Proper clearance is to be maintained between the new home and the existing overhead power line located on the North side of the property. Any existing easement for said line is to remain intact as well.
 - b. The developer will need to meet with Murray City Power to discuss planning the new power service(s) and future equipment placement to the building(s) with additional line extension costs to provide electrical service.
 - c. Developer must meet all Murray City Power Department requirements and current NESC code and provide required easements for equipment and Power lines.
5. Meet all the requirements of the Water Division including the following:
 - a. This is in Zone 2 Water Source Protection.
 - b. All sewer lines will need to be fused pipe joints, 6" water main in the street.
6. The applicant shall adhere to all setback requirements of the R-1-8 zone for both parcels.
7. The applicant will provide four feet (4') of landscaping on each side of the twenty-foot (20') driveway with the exception of the landscaping variance on the east side for a length of thirty feet (30').
8. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
9. The Final Plat shall adhere to the requirements for Flag Lot Subdivisions contained in Section 17.76.140 of the Murray City Land Use Ordinance and as outlined in the Staff Report.
10. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the final plat shall be null and void.
11. That the detached structures on Lot #2 be removed prior to recordation.

Seconded by Vice Chair Milkavich. Roll Call Vote:

A Pehrson
A Nay
A Lowry
A Milkavich
A Richards
A Patterson

Motion passes 6-0

Mercantile Towns – 861 East Winchester Street & 6520, 6550, 6580 South 900 East – Project #23-038 & 23-039 - Final PUD Subdivision Review

Mr. Smallwood presented the application for Scott Verhaaren from The Boyer Company, who is requesting final PUD subdivision approval to develop the subject property into 109 townhomes. Mr. Smallwood addressed items from the preliminary review regarding fencing elevations, the sidewalk, setback modifications and height. This is a 109-townhome development on nine acres. The layout has not changed in the final subdivision. There was only one change in the zoning standards. The front setback to accommodate the additional two feet for the sidewalk was accommodated. They only needed to reduce the setback by an additional foot. They were able to move things around so that it stayed within 19 feet. Parking 273 stalls are required. They provided 407, which puts them at 3.7 stalls per unit. There are 2-foot breaks in the fence about every 65 feet and provides a significant landscape barrier between those. In the preliminary discussions, they felt that six feet was more appropriate for backyards. The fencing around the remaining property is eight feet. The heights of the buildings are proposed to be less than the 30 feet, except for one of the buildings, which is exactly 30 feet. This was a requirement during the preliminary review because of Fire Department requirements. The applicant addressed issues with the landscaping grade.

Staff recommends that the Planning Commission grant final PUD Subdivision approval for Mercantile Towns on the properties addressed 861 East Winchester Street & 6520, 6550, 6580 South 900 East subject to conditions.

Spencer Moffat, applicant representing The Boyer Company, thanked staff for their efforts on this and noted that they tried to listen and incorporate the feedback given in the last meeting regarding fencing, breaking up the wall, architecture, etc. They are excited to move into the construction phase of the project.

Vice Chair Milkavich thanked the applicant for bringing all these specific details to them tonight, along with the additional amenities. She asked if the applicant had an idea of how much these were going to sell for. Mr. Moffat responded that they have bids out now and they are platting them individually so they have the option to sell them if they wish, but they also have the option of having a for-rent product to keep control of the community and because there is a strong demand for that.

Chair Pehrson asked if the applicant had reviewed the nine conditions and if they are able to comply. Mr. Moffat responded yes, they have reviewed the conditions and are comfortable with them. He stated that the colors may change as they work through things, but they are committed to brick and other elements as provided.

Chair Pehrson opened the public hearing for comments.

Gary Westin, resident, stated he is about a quarter mile north of the project. He stated he couldn't tell looking at the plat if the exit out onto 9th East is an entrance only with no exit on to 9th East. He asked about the height of the fences along 9th East.

Mr. Smallwood responded the fencing will be six feet in that area.

Mr. Westin asked if the townhouses will be marketed for sale or for rent.

Chair Pehrson closed the public hearing.

Mr. Smallwood addressed the exit and entrance, saying they were reviewed by both UDOT and the city engineer; it was discussed previously that they are both full access per the conditions listed in the staff report. Regarding the issue of for sale or for rent, this application is for a subdivision, and these will be individually platted so they can be for sale. However, it is not in the city's purview to require a product be listed for sale or for rent as it is private property.

Commissioner Nay moved to grant the final PUD Subdivision Approval for Mercantile Towns on the properties addressed 861 E. Winchester Street and 6520, 6550, 6580 S. 900 East, subject to the nine conditions:

1. The applicant shall meet all requirements of the Murray City Engineer, including the following:
 - a. Meet City subdivision and PUD requirements. The plat should include street names, unit addresses, PUE's, and common areas.
 - b. Resolve the north boundary overlap with adjacent neighbors.
 - c. Vacate the existing sewer easement that is located on the west end of property and provide sewer easement for the proposed alignment.
 - d. Accommodate the existing 20-foot right-of-way along the north boundary with 9th East Management LLC.
 - e. Obtain all required UDOT site access and encroachment permits for 900 East accesses and construction work.
 - f. Provide a UDOT Level 2 Traffic Impact Study and implement recommendations.
 - g. Provide a site geotechnical study and implement recommendations.
 - h. Provide utility and street plan and profile drawings.
 - i. Meet City storm drain requirements. On-site detention with reduced release rate and water quality treatment is required.
 - j. Meet City well protection zone requirements.
 - k. Provide street lighting.
 - l. Replace any damaged curb and gutter and sidewalk along property frontages to both Winchester and 900 East.
 - m. Sidewalks, pedestrian ramps, and crosswalks must meet current ADA Standards.
 - n. Provide stop signs, coordinate markers at all street intersections and no parking signs along the proposed streets.
 - o. Meet AASHTO site distance requirements for accesses onto Winchester Street and 900 East.
 - p. Provide a subdivision improvement bond prior to recording the plat (dedicated improvements only).
 - q. Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading and construction work.
 - r. Obtain a City Excavation Permit for work within City roadways.
2. The subdivision shall meet the requirements of the Murray City Fire Department including the width of the access drives.
3. The developer shall meet all Murray City Water Division requirements.
4. The developer shall meet all Murray City Wastewater Division requirements.
5. The developer shall meet all Murray City Power Department requirements and meet to discuss planning the new power service.

6. The applicant shall ensure that all buildings are thirty feet (30') or less in height.
7. All units within the subdivision shall comply with the requirements of the R-M-15 Zone as outlined in Chapter 17.120 and Planned Unit Development as outlined in Chapter 17.60 of the Murray City Land Use Ordinance.
8. The subdivision shall conform with the plans as submitted and approved by the Planning Commission.
9. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the subdivision plat approval shall be null and void.

Seconded by Commissioner Richards. Roll Call Vote:

A Pehrson
A Nay
A Lowry
A Milkavich
A Richards
A Patterson

Motion passes 6-0

Justin Lang – 770 & 780 West 5300 South and 845 West Clover Meadow Drive – Project #23-070 - General Plan Amendment from Low-Density Residential to Medium-Density Residential

Mr. Smallwood presented the application from Justin Lang for a general plan and zoning map amendment for the properties addressed 777 & 780 West 5300 South and 845 West Clover Metro Drive. It's currently zoned for single-family residential with a minimum 8,000 square foot lots. The request is to change the zoning from R-1-8 to R-M-15, which is a multifamily zone with a base density of 12 units per acre. There are five initiatives in the 2017 General Plan. Initiative three is about livable and vibrant neighborhoods, which states things that are needed for success – buffering, visual and auditory between adjacent uses. Staff feels that any proposed project here would provide a sound barrier to the north. The goal is to create housing in a more gradient way, as opposed to clustering all the apartments and houses together. The future land use map indicates that this is to remain low-density residential; however, the General Plan is a fluid document and was evaluated at the market conditions at the time and what we expected. That doesn't mean that it cannot be changed or reevaluated. Mr. Lang is requesting medium-density residential, to provide more of a buffer area. The applicable objectives here are to encourage revitalization along key transportation corridors in the core of the city. This has been a vacant piece of property along 5300 South and has very little access around it. Surprisingly, Mr. Lang was able to get an access approval from UDOT to develop this property. Objective nine is provide a mix of housing options and residential zones to meet a diverse range of needs related to lifestyle demographics, including age, household size and income. This relates back to integrating additional housing types. Objective ten promotes a transition of development patterns between commercial areas and stable residential neighborhoods. Transitioning means having higher-density housing along commercial areas to help buffer that and transition into more of a single-family neighborhood. It provides a bit of transition into a lower-density area.

The last strategy is to support residential infill projects at a compatible scale. Objective three also encourages housing options for a variety of age, family size and financial levels. This goes hand-in-hand with the strategy in moderate-income housing, to amend land use regulations and allow for higher density or new moderate-income, residential development in commercial or mixed-use zones near transit-investment corridors.

Chair Pehrson discussed the speed limits adjacent to this property, asking if there is a possibility of an acceleration/deceleration lane. Mr. Smallwood responded that was something asked by the city engineer and UDOT said that at minimum they would require a deceleration lane.

Chair Pehrson noted that you can only walk down the north side of 5400 currently, and asked if there will be a way to ensure the public is safe walking in this area and if the applicant can submit a PUD. Mr. Smallwood responded that they can submit a PUD which would be reviewed by the planning commission. Regarding the sidewalks, the applicant will have to work with UDOT on that to provide more space. This will also be right in and right out with an island preventing travel in other directions.

Chair Pehrson invited the applicant up to speak.

Justin Lang, applicant, stated that UDOT requires the acceleration/deceleration lane, and will be right in and right out only with a "porkchop" island to prevent traffic going other directions.

Commissioner Nay asked if the applicant had any comments about the proposed use.

Mr. Lang responded this is sandwiched between two townhouse projects with no access to the single-family neighborhood, which leaves no room to build single-family in a way that makes sense. He stated his intent would be medium-density housing, similar to Chestnut Place.

Commissioner Patterson was shocked the applicant was able to get UDOT access and asked the applicant about that. Mr. Lang showed the properties he owns, including one older home adjacent that has granted access. They are granting them a new access so they don't use the existing one since it's in a bad spot.

Public comment was opened.

Shannon Hart, resident, stated that there were 1-2 acres, and wondered how many units per acre would be allowed. Also, Murray City is redoing a lot of the sewer in this area and her understanding is they're going through this field and into the neighbors' backyards on the corner of Clover Meadow. How will this building affect the ability of the city to fix all that with all the sewer lines underneath. She wanted to clarify that there will not be an entrance or exit onto Clover Meadow Street, to make sure it doesn't create a bunch of traffic within the neighborhood. She knows that the city is presently measuring and taking pictures of these houses in the corner where the sewer is going to go through. She asked if the property builder would be responsible for any damage to these homes that comes along. She also wanted to clarify how many units are proposed.

Carol Petry, resident, stated she is the president of the Chestnut Place Condominiums Homeowner's Association with 65 owners. Listening to all that has been said, what she wanted to discuss is more for UDOT than Murray City. She stated the Chestnut Place HOA has

concerns about traffic. She was told there will be 30+ units here, and whether they are rentals or to be built and sold. She stated if the zoning is approved, all of these people living in those units, whether it's one, two or three people with one, two or three vehicles will greatly affect traffic flow. That is a very busy intersection at 5400 and 1070 West, which is Murray Parkway Drive. It is a busy intersection, a busy street and in fact she went and took photos at 4:15 and 5:15 to show the traffic flow both directions and can make those photos available tomorrow on a thumb drive. It's a busy street, especially during the hours of 7-9 am and 4-6 pm. There have been many accidents at that intersection as well. From the far-left corner of Chestnut there are several office buildings at the corner of 5400 and 1070 West. Other traffic that happens especially on weekends with Germania Park which has a soccer field, basketball court and volleyball court that brings a lot of people on 1070 West; that creates a lot of traffic. The streets 5300 and 5400 South are already very busy. She was told by phone earlier today that it is probably a little closer to 1070 West, and if someone needs to go east when leaving the community, how would they do that. There are two lanes going west and two going east, and an empty section in the middle; would people be required to try and get across two lanes of traffic going west, get in the middle, then wait for two more lanes of traffic going east to go east. If someone is coming from the west and wants to enter the new community, how do they do it. Do they go to 700 West, wait for the traffic signal, or an arrow, to make a U-turn to back to their house. How is the Murray City Planning Commission going to address this issue, will there be a new traffic signal. She was told no, but again that is probably a UDOT question. All this to say that it is reasonable to anticipate there is going to be quite a bit more traffic with 30 plus units going in that section. We are concerned, it is already very busy. She knows that at Chestnut with 65 units has over 100 vehicles going in and out of the community; and to add 30 plus units there, it is reasonable to expect 60-80 vehicles going in and out. Regarding foot traffic, there is a sidewalk, and they often see a lot of kids, mostly teenagers walking on the sidewalk. She stated the HOA community has their fence broken into on a regular basis. Chestnut Place was built in the 1990's and has been there for a long time. There are residents who have lived there for 30 years, some are retired and some are still working, so they are concerned and that's what she wanted to share.

Chair Pehrson closed the public hearing.

Mr. Smallwood responded to the questions from the public. Regarding the sewer line, any sewer improvements were noted as concerns in the packet and that will have to be addressed; it will be a significant thing that the applicant will have to work through. There is no way to have an access on Clover Meadow, and it is not part of the project. The property has 2.9 acres, and the allowed housing is 12 units per acre, meaning a maximum number would be 35 units. There are a lot of site constraints that usually eat into that unit count and make it slightly lower than the maximum. Regarding the multiple heights of units, there is a height restriction there that is capped at the number of units and a maximum height of 40 feet. Traffic will be evaluated, most likely requiring a UDOT access and traffic impact study, which will be reviewed if and when the zone is changed and a project comes forward. There would be a hard barrier in the middle turn lane blocking any left-hand turns. UDOT does not want left-hand turns across their right of ways. This actually gives the applicant a benefit since UDOT will be able to create a deceleration lane that is significantly off the travel lanes, along with an acceleration lane.

The commission and staff discussed the traffic studies that will be required and how future residents would access the project. Staff then gave the public a brief review of this approval

process and what the next steps will be after this meeting, whether the amendments are recommended for approval or not.

Ms. Nixon added that 5300 South is a very busy street and this is where they want the traffic to go, that is the ideal situation to have the traffic go to that street, rather than route back to the residential neighborhoods.

Mr. Smallwood addressed the questions about damage to homes. Usually that isn't seen, since the application does have to go through a Land Disturbance Permit if it is over one acre.

Mr. Lang said it was a storm drain, not a sewer line, that is going in and under the houses; he has already met with Murray City Public Works and addressed that.

Shannon Hart, resident, said she wanted to clarify this land disturbance permit. She asked if it is similar to title insurance or an insurance policy; do they look at it and say "we're going to do this much and this is what we are responsible for". She wants to know what that is.

Carol Petry, resident, said the building there is referred to it as the funky building because it's a little bit odd. Ten years ago, there was an issue with Murray City and some water project. She was not living there at the time so wasn't sure what the issue was, but it caused some ground settling in that building that has five units right there. That ended up costing Chestnut quite a bit of money to stabilize the ground. Ten years later they are seeing a lot of problems in that building and are having to do a lot of renovating just to stabilize the building. They've hired two structural engineers and have a report and it's going to cost us tens of thousands of dollars to get that stabilized. She is concerned about anything happening close to Chestnut for that same reason aside from the traffic.

Public comment was closed.

Mr. Smallwood reviewed what a Land Disturbance Permit is and that they are reviewed by the various departments in Public Works. He discussed the SWPPP and its purpose, along with construction staging and how that relates to potential damage to places nearby. Regarding the stabilizing, that would be followed. There is a geotechnical study included during the reviews, that will check the ground in general and the impact of moving any dirt. In his opinion, having this land be improved on is actually more stabilized on that side, meaning less movement on that property because of added vegetation and improvements including drainage.

Commissioner Nay noted that traditionally this type of land has not been developed because it's marginal land, compared to some of the historic properties that are easy to develop. He stated that the city is at a point where this is the remaining land in the city and is not optimal land to develop because it is next to major arterial roads. Traffic is inconsequential in this area in the big picture. This is also a thousand-year flood plain for the Jordan River, which produces some of the problems the current residents are seeing and having to deal with. Those issues are better understood now than when the original development went in, and the geotechnical engineers will recognize that when they do the reports because the technology has improved over the years.

Vice Chair Milkavich was pleasantly surprised no one has requested commercial proposals for this area and stated that residential fits this area much better.

Commissioner Patterson feels comfortable with moving forward with a recommendation of approval because this could have been commercial, but the residential buffering will have a huge positive impact. The applicant has a lot of hurdles to development here and she commended the applicant for being willing to take the project on. This will be a great improvement to the area and strengthen the area.

Commissioner Lowry agreed with the commissioners' opinions previously stated. He is pleased to have medium density, as the trend tends to be the longer parcels sit vacant the higher the density gets, and he thinks townhomes have a great use.

Commissioner Lowry moved forward a recommendation of approval to the City Council for the requested amendment to the Future Land Use Map, redesignating the properties located at 770 and 780 West 5300 South, and 845 West Clover Meadow Drive, from low-density residential to medium-density residential.

Seconded by Commissioner Nay. Roll Call Vote:

A Pehrson
A Nay
A Lowry
A Milkavich
A Richards
A Patterson

Motion Passes 6-0

Justin Lang - 770 West 5300 South - Project #23-071
Zone Change from R-1-8 to R-M-15

Commissioner Nay moved to forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation of the property located at 770 and 780 West 5300 South, and 845 West Clover Meadow Drive, from R-1-8 Single Family Low-Density Residential to R-M-15 Multi-Family Medium Density Residential, as described in the staff report.

Seconded by Commissioner Patterson. Roll Call Vote

A Pehrson
A Nay
A Lowry
A Milkavich
A Richards
A Patterson

Motion Passes 6-0

ANNOUNCEMENTS AND QUESTIONS

Mr. Smallwood announced they will be having a meeting at 6:00 p.m. on August 3, 2023, in the Murray City Council Chamber at 10 East 4800 South. There will be a few items and training on traffic impact studies. There is a new director, Phil Markham, who used to be on the planning commission and just resigned from the city council to become the director.

ADJOURNMENT

Vice Chair Milkavich moved to adjourn the meeting at 7:57 p.m. Seconded by Commissioner Nay.



Philip J. Markham, Director
Community & Economic Development Department

DRAFT

~ DRAFT ~

Minutes of the Planning Commission meeting held on Thursday, August 3, 2023, at 6:30 p.m. in the Murray City Municipal Council Chambers, 10 East 4800 South, Murray, Utah.

The public was able to view the meeting via the live stream at <http://www.murraycitylive.com> or <https://www.facebook.com/Murraycityutah/>. Individuals wishing to make comments on an agenda item may submit comments via email at planningcommission@murray.utah.gov.

Present: Jake Pehrson, Chair
 Lisa Milkavich, Vice-Chair
 Ned Hacker
 Michael Richards
 Travis Nay
 Maren Patterson
 Susan Nixon, Senior Planner
 Zachary Smallwood, Senior Planner
 Mustafa Al Janabi, Planner 1

Excused: Jeremy Lowry

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

Commissioner Nay moved to approve the minutes from the June 15, 2023 Planning Commission meeting. Seconded by Commissioner Hacker. A voice vote was made, motion passed 6-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this meeting.

APPROVAL OF FINDINGS OF FACT

There were no Findings of Fact for this meeting.

Magnolia Rouge Day Spa - 4700 South 900 East #18 – Project #23-082

Mr. Al Janabi presented the application for Racheal Tani, who is requesting a conditional use permit to operate a tattoo parlor inside an existing day spa business, Magnolia Rouge Day Spa. This business is located in the C-D, Commercial Development zone. This zone allows for tattoo shops. The applicant wants to utilize a 206 square foot shop in a day spa business. No changes shall be done to the interior. The entrance to the spa shall remain the same from 900 East 4700 South. Three (3) parking spaces are required for this spa. The existing building has sufficient parking to accommodate the proposed use with 32 total spaces available. There is no direct frontage on the street, so there will be no need for any landscaping requirements. Staff recommends approval subject to the following conditions:

Ms. Tani indicated that she would be able to comply with these conditions.

There were no comments, questions, or public comment for this application.

Commissioner Hacker made the motion that the Planning Commission approve the conditional use permit to allow a tattooing business at the property address 4700 South 900 East, Unit 18, subject to the three conditions listed:

1. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
2. The project shall comply with all applicable building and fire code standards.
3. The applicant shall obtain permits for any new attached or detached signs proposed for the business.

Seconded by Commissioner Nay. Roll call vote:

A Pehrson
A Milkavich
A Hacker
A Richards
A Nay
A Patterson

Motion passes 6-0

TD Sports West - 321 West Quail Trax Place – Project #23-083

Ms. Nixon presented the application for Jana Johnson from TD Sports West, who is requesting approval to allow a sports court installation contractor business on the property. This property is located in the M-G, Manufacturing General zone. The building is located within the Quail Trax Industrial Park which is 1.92 acres. The building that they are in is 9,700 square feet. They are leasing 3,150 square feet on the far west side. Based on the uses for office and warehouse it requires a total of four parking spaces, which meets the parking requirements for this use. The business has four onsite employees and seven offsite contractors and installers. The satellite business is out of their corporate offices in Los Angeles. They exceed the minimum landscaping requirements of four trees and shrubs. Ms. Nixon noted that, during her site visit, she observed some wood pallets in the parking lot. Those should be removed from the parking lot, if they belong to that business. Ms. Nixon noted the dumpster, located the parking lot, should be inside the dumpster enclosure, at all times, other than when there's garbage collection. She put that as one of the conditions of approval. Staff recommends that the Planning Commission approve a Conditional Use Permit to allow a sports court installation contractor business at the property addressed 321 West Quail Trax Place, subject to conditions.

Ms. Johnson indicated she could comply with the conditions.

Public comment period was opened.

Daniel Flinders, who also works at TD Sports, wanted to mention a couple things that were brought up. The pallets are placed there by a number of businesses in the complex. They normally have someone collect the pallets each week. That person hasn't been showing up. Mr.

Flinders will take care of that himself. He indicated that the trash won't fit in that enclosed space. He said there is one trash collector who services the dumpster for all the businesses in the complex.

Public comment was closed.

Commissioner Milkavich raised concerns regarding the issues with the dumpster and asked if more discussion was needed on the topic.

Ms. Nixon stated that the code requires the dumpster to remain enclosed at all times. She said if that dumpster won't fit in the enclosure, then the complex owner must get a smaller dumpster or have the space for the current dumpster enlarged. She suspects that originally the owner had a smaller dumpster, but needed to get a larger one to accommodate more trash. The owner must address the issue for the application. She stated it is a difficult situation where the applicant is asking for approval, and that is one of the conditions, but the owner is the one who must make the improvements. They will have to reach out and hope the owner comes into compliance soon.

Commissioner Milkavich asked Ms. Nixon to clarify what happens if the tenant informs the owner that the situation with the dumpster needs to be addressed, and the owner won't take care of it.

Ms. Nixon said the applicant can't proceed. It won't matter who the tenant is, any conditional use permit application will be up against the same issue. Eventually, it will become an enforcement issue if the owner chooses not to address it.

Chair Pehrson stated that the owner is out of compliance, even if they have no applicants.

Commissioner Nay stated that if you look at the image, it looks like it's difficult to get a truck in and out of there. There's an outcropping of the curb on the south side.

Ms. Nixon agreed, stating that sometimes people don't factor that in when in designing the property, but obviously that is where they selected to have the dumpster, so they need to make it work.

Commissioner Nay said If they expanded it and installed another doorway, it would also give them pallet storage.

Ms. Nixon said that might be the easiest solution to just expand the enclosure.

Commissioner Milkavich asked if the owner would need to get a permit from the city in order to expand the enclosure. Ms. Nixon said they would have to get a permit.

Chair Pehrson asked if there were any other comments or discussion.

No additional comments or discussion occurred.

Commissioner Patterson made a motion for the Planning Commission to approve the conditional use permit to allow the sport court installation contractor business at the property address 321 West Quail Trax Place subject to the four conditions:

1. The applicant shall obtain a new Murray City Business License for this location.

2. The project shall comply with all applicable building and fire code standards.
3. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
4. The existing dumpster needs to remain in the enclosure at all times, other than garbage collection times.

Vice Chairman Milkavich seconded the motion. Roll Call vote:

A Pehrson
A Milkavich
A Hacker
A Richards
A Nay
A Patterson

Motion passes 6-0

Cats Hollow Subdivision - 426 & 444 East 5300 South – Project # 23-081

Ms. Nixon presented the application for Scott Peterson, on behalf of the Dematha Subdivision, to allow an amendment to the subdivision, combining lots one and two, creating Cats Hollow Subdivision. Three years ago, the Planning Commission reviewed and approved a preliminary final approval for the Dematha subdivision, which is addressed 426 East, 446 East, and 468 East. Mr. Peterson has applied to combine lots one and two of the Dematha Subdivision. He currently lives on lot two and has recently acquired lot one. He doesn't have to combine them, but if he wants to do anything on the other property in the future, such as add structures or expansions, he'd need to have the lots combined. There are currently no improvements that need to be made. Combining of lots one and two will make the lot just over a half-acre (22,512 square feet), which exceeds the minimum required in the R-1-8 zone. The front, rear and side yard setbacks meet minimum requirements. Per Ms. Nixon's recommendation, Mr. Peterson agreed to change the front setback to be 25 feet on the plat, which is more consistent with the R-1-8 zone. Mr. Peterson will need to change the plans prior to recording the plat.

Forty-three notices were sent out. One email was received and will be read into the record. Based on the application and our code, staff recommends that The Planning Commission approve preliminary and final subdivision for Cats Hollow subdivision based on the seven conditions as outlined.

Mr. Peterson stated he would be able to comply with the conditions. He said he met with Mr. Healy, one of the residents, who grew up in the home when it was first built in the 1940's. Mr. Peterson said he's really excited to bring that heritage back and if any future family members visit, they can enjoy the space.

Public comment was opened.

John Eicholtz, a nearby neighbor, wished to comment that he doesn't see a problem with approving the application but is concerned about the future density in the area. He says eventually that house will be torn down and this will allow a bigger house to go there. His own property eventually will be sold and it will allow another flag lot there. He feels that nothing will be

able to be done about the future density because the new houses built will meet the ordinance requirements. He doesn't feel that's a good thing.

An email was read from James and Colleen Dervis, nearby neighbors. They agree with combining the lots. They state that they never wanted the Dematha Subdivision in the first place, so they are very happy with the proposal to combine lots one and two.

Commissioner Richards made the motion to approve the amendment for Lots One and Two of the Dematha Subdivision and grant preliminary and final subdivision for Cats Hollow Subdivision for the properties addressed 426 & 444 East 5300 South subject to the seven conditions :

1. Meet the requirements of the City Engineer, including the following:
 - a. Meet City Subdivision requirements and formatting standards – City Code Title 16.
 - b. Consolidate the plat and signature blocks onto sheet 1.
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. The project shall meet all requirements of the Murray City Land Use Ordinance.
5. Amend the plat to show a 25' front setback.
6. The applicant shall prepare the Subdivision plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance
7. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the final plat shall be null and void.

Commissioner Hacker seconded the motion. Roll Call Vote:

A Pehrson
A Milkavich
A Hacker
A Richards
A Nay
A Patterson

Motion passes 6-0

TRAINING

Traffic Engineering Training was provided by Ryan Hales of Hales Engineering. He stated that traffic engineers try to bridge the gap between a city's master plan and the traffic on the ground. They look at planning projects and try to determine how many trips a project will generate. They attempt to project into the future. They review UDOT traffic studies as well. All signal warrants, crosswalk speed studies, and passing zones anywhere in the state are reviewed by Hales Engineering. They look at land use, but also at roads – they try to bring the two of those together. Traffic impact studies are how they go from the general plan to the transportation master plan, and then down to a more detailed level. When they look at different types of traffic impact studies, they talk about trip generation. They refer to a compendium of documents called the ITE Trip Generation Manual, and they can look up the land use office space. They can look at some of those and identify what the trips are going to be from one of those types of places.

Vice Chair Milkavich asked how often the ITE Trip Generation Manual is updated. Mr. Hales said that it's updated every five to ten years. When a new business goes in, that isn't part of the most recent ITE manual, traffic engineers must do manual counts of trips as part of a traffic study, sometimes evaluating before and after a new project.

Vice Chair Milkavich asked how is impact measured. Mr. Hales said the manual on Uniform Traffic Control Devices outlines warrants that traffic has to meet in order to determine level of service. Computer simulation is used, with light timing and volume, to assist in determining level of service. The levels of service are graded A through F. Each light can range in levels of service depending on the time of day. This information helps determine speed limits and how the timing of lights is set, along with the direction of traffic flow (north-south, east-west).

Vice Chair Milkavich asked if they count the trips differently at intersections with drive-thru businesses, like Swig or Starbucks, because they are different than McDonalds. Mr. Hales said they do go to those intersections and physically count the trips.

Vice Chair Milkavich asked how they address traffic at ski resorts. Mr. Hales said in this case they have cameras set up at drop-off points to count trips. The cameras monitor the parking patterns.

Commissioner Patterson commented that residents are often upset by new mixed-use development because of the amount of traffic they feel it will generate. She wanted to know how they can best explain that mixed-use development is going to improve the situation, not make it worse.

Vice Chair Milkavich commented that there's a gap in understanding with the public about what is considered good in terms of traffic.

Commissioner Patterson said that she feels residents don't care that the new projects will benefit them, or that the overall level of service will improve. She feels they are just against mixed-use development.

Vice Chair Milkavich said that residents are often concerned about the number of cars and the speed of the vehicles.

Commissioner Nay stated that residents say they don't want a new project because of the speed of the vehicles, but the reality is that these residents already live there and are the ones speeding. The new project isn't going to impact that.

Commissioner Hacker said that part of the problem is that residents don't believe professionals, such as Mr. Hales. They disagree with the data presented by experts in the field.

Commissioner Patterson asked how they can help residents understand that when a mixed-use project is presented to them, their primary concern is the traffic.

Vice Chair Milkavich still feels it's frustrating to explain to residents that the commission has been given good data, and a traffic study has been performed, but residents are still quite resistant to a new project in their area. Mr. Hales suggested showing residents the data from the trip

generator before and after the mixed-use project is developed, to show them that it is probably a ten percent to thirty percent reduction in traffic.

Commissioner Nay asked Mr. Hales to talk about the number of trips generated by a three-bedroom apartment versus a three-bedroom home. Mr. Hales stated that single-family home generates about ten trips a day. A multifamily unit will generate about six to seven trips a day. This is possibly due to differences in affluence. Those who own homes tend to have more children (in Utah) and own more vehicles. Those who own homes tend to be more affluent and make more trips to purchase more items or eat out. In Utah, the average number of daily trips is more like fourteen trips, instead of ten, which is the national average.

Mr. Hales and the commissioners discussed how townhomes may affect the trip count, but that will remain to be seen in future. They also discussed how COVID affected trip counts uniquely during 2020, as well as the increase in the use of Doordash, Grubhub, Uber, Lyft. Mr. Hales stated that the goal of mixed-use development is to keep residents in a concentrated area, minimizing the number of trips.

The commissioners discussed how residents still desire to have development of single-family neighborhoods, with nothing over two stories.

Mr. Hales cited examples of Thanksgiving Point and New York City and the impact that mixed-used development had on distributing the traffic more consistently throughout the day, instead of in concentrated pockets, and the benefit this had on the community. He discussed how having residents around when businesses are closed provides security.

Commissioner Hacker said that, in mixed-use developments, many residents don't want vehicles, because they are using public transportation, walking, or biking to work. He did say that people coming from other parts of the country like California, Washington or Seattle don't see the traffic in Utah as a problem. The problem is the perception, because Utah used to have no traffic, so any traffic seems awful to current residents.

Chair Pehrson acknowledged those comments that address the reason why Utahns perceive that there is so much traffic, and that it's something new. He feels that residents target traffic because they feel it's something they have control over. He feels the planning commission needs to do a better job of educating residents.

Chair Pehrson asked Mr. Hales how often his company does a traffic study where they find there is no bad traffic. Mr. Hales said they do not find A's in the valley any longer. They now find intersections that are F's and they can't fix. He emphasized to Chair Pehrson that all the commission can do is build in the areas where they want future growth, even if they hear complaints from residents. The reality is that Utah is growing and the people have to live somewhere. The commission has to control the density in certain areas by directing the growth in more thoughtful ways.

Vice Chair Mlikavich said she felt they missed an opportunity by not having the city council attend the training.

Commissioner Nay said that he wants residents to think about how many vehicles they themselves have when they raise complaints about the increased traffic, because they are part

of the problem. He pointed out that, even if Murray City didn't continue to build anything, the problem would still get worse, because Murray is located in the middle of the valley and all the municipalities around Murray are growing. All the cities comprise a regional network.

Mr. Smallwood asked if anyone has ever considered changing what's considered and acceptable level of service. He asked if the scale should be changed, because a C or a D would be considered a bad grade in a school setting.

Mr. Hales said it's best not to equate the grades with school grades. In the traffic setting, C's and D's are acceptable and functional. He also stated if cities tried to build for a level of service, intersections might be seven lanes wide, instead of a two or three lane road. A seven-lane road is not practical.

Mr. Hales talked about the use of computer-generated scenarios, in addition to traffic studies. Simulations will play out different models to manipulate traffic to see what works best. Some options include modified intersection striping, adding turn pockets, changing the type of signals, and adding protected green arrows.

Mr. Hales talked about parking issues. Most businesses use a demand-based equation to determine what they think their needs will be instead of a supply-based equation. Businesses usually have more parking than is needed. For apartments, the problem is the opposite. They tend not to have enough parking. Some complexes charge renters to purchase parking spots. Renters will opt to pay for one spot and then renters park on the street, creating new problems for the city.

Vice Chair Milkavich commented that it's difficult to push renters to use less parking when most families still own two cars.

Mr. Hales said the answer isn't just taking parking away from residents. He said that one thing that can be done is to offer rideshare onsite at complexes, as well as access to light rail. Developing mixed-used neighborhoods around transit, and creating walkable communities, is what needs to be done. Adding bicycle and pedestrian paths to existing roads will facilitate the use of transit and reduce the need for more parking.

Once the presentation was complete, a public comment period was opened.

Ms. Nixon read a public comment from Clark Bullen. Mr. Bullen asked why the planning commission doesn't do a traffic study before changing zones. He asked if there is any way to hire a firm that does traffic studies that is not paid by the project developer. He wants to know if that is done in any other municipalities. He asked how much does the study cost. Could the neighbors in the area hire one of their own to look at the project details. How often does it occur that a traffic study leads to not recommending that a project proceed. When is the last time that happened in Murray. Under what circumstances would a recommendation of non-approval be made. Should the traffic study consider all possible unlikely zone changes in the area instead of one at a time, for example, such as the changes near the 5300 South and 700 West intersection. Does the traffic study take into consideration what is already laid out in the transportation master plan. If someone moved into an area because they looked at the transportation master plan, and did not anticipate a high volume of traffic, but that has changed with the approval of a new project, would there have any recourse to appeal that decision. If the

city wanted to reduce traffic on State Street between 4500 south and 5300 South, how would they go about doing that.

Mr. Hales thanked Mr. Bullen for his questions. He said that traffic studies really do bridge the gap between transportation master plan and general plan. A general plan is a guiding document what a city wants to do long term. It's general land use plan that looks at things broadly. It doesn't drill down to the level of zoning. A traffic study doesn't drill down in the planning and zoning side of things. It's too hard to go that deep and look at that micro scale. A city prepares its general plan, and then creates a transportation master plan. From there, a city can identify improvements, then those improvements go into the capital facilities plan. Then the capital facilities plan is taken into typically an IFFP and an IFA impact fee facilities plan and impact fee analysis. The next step is to develop the cost that is generated from impact fees to make those improvements that are identified in the transportation master plan. The general plan document is a guiding document. That's usually the one that he would look at if he were buying a home. He would also look at the transportation master plan and looks to see what's generally planned in the areas.

Commissioner Nay said that market forces are constantly evolving and changing and what's in favor now may fall out of favor later. Market forces are too dynamic to plan for.

Ms. Nixon answered the question about doing a traffic study before changing zones. She says that planners often suggest to the developers that they do traffic study in conjunction with general plan and zone change requests, which they are oftentimes very willing to do it, so that they know for themselves.

Commissioner Patterson commented on Mr. Bullen's question about paying for traffic studies, stating that developers are not colluding with traffic engineering companies. She asked how much traffic studies cost.

Mr. Hales said that because of the development process, it is expensive. Developers take on the risk and pay for those studies, because sometimes they might not build the project. Rather than the municipality paying for it, and then having the project go away, it would be a sunk cost, that would be very expensive for a city to do. As long as all the key elements are there, then it's been done correctly, you can trust that it's accurate. Traffic and civil engineers stand by a code of ethics. By way of having registration, that practicing engineer had to pass a certification test, which includes a section on ethics. Engineers are bond to their ethics. There is no bias towards developers. Because a developer hired someone doesn't mean that they bias the study. An engineer's stamp is their livelihood.

Chair Pehrson commented that a developer is not going to go to a traffic engineer and say they need them to show that there's no traffic coming out of a proposed development.

Mr. Hales said that what they find when they have citizens hire them for studies, it's because they've got a different opinion, they want to make sure that it was done correctly. Mostly it's an engineering firm wanting a different engineer just to make sure that everything was done correctly.

Commissioner Patterson said that to answer Mr. Bullen's question if residents want to pay for their own traffic study, they certainly can.

Commissioner Nay asked what standing does Mr. Bullen have if he does pay for his own traffic study to come before the planning commission to make any demands.

Mr. Smallwood said that it depends on the level of review. There are legislative actions and administrative actions. If it were reviewing a specific project for a design review that already is zoned for, in the MCCD, you can only impose conditions to mitigate impacts. It wouldn't have a lot of standing. If it's a legislative action, where you're making a recommendation to the city council, you can consider that more like a zone change.

Vice Chair Mlikavich asked how much a traffic study would cost. Mr. Hales said it really depends on the project, but can range from \$2,000 to \$20,000. A trip generation study can range from \$1,000 to \$4,000.

Commissioner Nay asked what the typical lead time is for a study. Mr. Hales said a trip generation study can be done within about a week to two weeks. A traffic impact study can take anywhere from two to six weeks. They are thorough reports, ranging from sixty to eighty pages.

Chair Pehrson asked, with all Mr. Hales knowledge and experience, what is the number one thing decision makers can do to help with traffic. Mr. Hales said the answer is implementation. Once issues are identified, it's about moving forward with getting them constructed, whether that means an impact fee or working with UDOT. It's about getting the right parties to the table. Oftentimes, the engineer gives the developer a list of things they need to do to make their project work. It can include installing a traffic signal traffic, which can cost \$400,000 to \$450,000. Sometimes a project warrants something that big. Sometimes it's putting in a right-turn pocket. It's between the traffic study and getting it onto the pavement is the biggest concern.

Chair Pehrson stated that he thinks there is a problem as a city. The planning commission sees a traffic study, the engineer makes the recommendation, then the development project is approved. Next, the planning commission agrees to the engineer's recommendations, but the project goes nowhere, or it takes three years to be completed.

Chair Pehrson asked about the technology related to lights with cameras and vehicle counting. He asked if Mr. Hales envisions a future where traffic lights are operated by AI, instead of with timers, routing traffic in real-time.

Mr. Hales said it's essentially already doing that. They currently use programs that are ahead of their time. He said that UDOT is very progressive and leads the country in signal timing technology. They use large algorithms that look at traffic flows and then make adjustments to the signal timing. UDOT is doing a really good job.

The commission thanked Mr. Hales for the training.

ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Thursday, August 17, at 6:30 p.m MST in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

There will be an MCCD area plan open house on August 14, 2023 from 6 p.m. to 9 p.m. in the Council Chambers. Consultant Ben Levenger will be there. This will be a listening session for the public, as well as follow-up to last year's survey. Then there will be a meeting on September 6, 2023 that will discuss the concepts and ideas that have resulted from the listening session.

There will be a joint city council meeting between Millcreek City and Murray City on August 21, 2023, regarding the Murray North Station area plan. Jennifer Kennedy has more information.

ADJOURNMENT

Commissioner Nay made a motion to adjourn at 8:55 p.m., seconded by Vice Chair Milkavich. Motion passed 6-0.



Philip J. Markham, Director
Community & Economic Development Department

~ DRAFT ~

Minutes of the Planning Commission meeting held on Thursday, August 17, 2023, at 6:30 p.m. in the Murray City Municipal Council Chambers, 10 East 4800 South, Council Chambers, Murray, Utah.

The public was able to view the meeting via the live stream at <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.

Present: Jake Pehrson, Chair
Lisa Milkavich, Vice Chair
Travis Nay
Ned Hacker
Jeremy Lowry
Zac Smallwood, Senior Planner
Mustafa Al Janabi, Planner 1

Excused: Michael Richards
Maren Patterson

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

Commissioner Nay made a motion to approve the minutes from the June 1, 2023, and June 15, 2023, Planning Commission meetings, with minor changes noted.

Seconded by Commissioner Hacker. A voice vote was made, motion passed 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest identified.

APPROVAL OF FINDINGS OF FACT

Commissioner Hacker made a motion to approve the findings of fact and conclusions for the Magnolia Rouge Day Spa conditional use permit and for TD Sports West conditional use permit.

Seconded by Commissioner Richards. A voice vote was made, motion passed 5-0.

SUBDIVISION REVIEW(S)

Clover Crest Subdivision Amendment - 5101 S. Wintergreen Circle & 5102 S. Glendon Street – Project #23-088

Mr. Smallwood presented the application for Daniel Snarr to amend the lot line between lots five and ten of the Clover Crest Subdivision. The property is in the R-1-8 zone, where it's required to have a minimum of 8,000 square feet per lot. David Snarr has 20,847 square feet and Daniel

Snarr has 9,800 square feet. The proposal would amend the lots so that Mr. David Snarr would have 14,400 square feet and Mr. Daniel Snarr would get 16,000 square feet. Staff recommends approval subject to conditions.

Mr. Daniel Snarr said he read and can comply with the conditions listed. He said he's concerned that the application reads that lot 5 becomes 5A because there is already a lot 5A.

Chair Pehrson said that can be addressed.

Mr. Smallwood said the application would go through engineering and then the county. If they see an issue with the lot naming, they will fix it.

Public comment was opened and closed, with no comments being made.

Commissioner Lowry made the motion to approve the amendment for lots five and ten of the Clover Crest subdivision for the properties addressed 5101 S. Wintergreen Circle & 5102 S. Glendon Street, subject to the six conditions:

1. Meet the requirements of the City Engineer, including the following:
 - a. Meet City Subdivision amendment requirements and plat format standards.
 - b. Provide public utility easements (PUEs) on proposed lots.
 - c. Provide PUEs for any existing utilities that are located along previous lot lines.
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. The project shall meet all requirements of the Murray City Land Use Ordinance.
5. The applicant shall prepare the Subdivision plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance
6. The subdivision plat shall be recorded within one year of the final approval by the Planning Commission or the final plat shall be null and void.

Seconded by Commissioner Hacker. Roll Call Vote:

<u>A</u>	Pehrson
<u>A</u>	Nay
<u>A</u>	Hacker
<u>A</u>	Lowry
<u>A</u>	Milkavich

Motion passed 5-0

CONDITIONAL USE PERMIT(S)

Pine River Roofing and Construction – 4627 South Cherry Street – Project #23-087

The applicant was not present to represent application. The commissioners and staff held a discussion regarding a motion and issues with the application.

Commissioner Nay said they should table the application at this time, due to two major issues that need to be publicly addressed. The issues involve the restriping and refinishing of the parking lot, as well as the dumpster enclosures. The onus to resolve these is on the property owner, and they need to present to speak to it.

Chair Pehrson said it would be not prudent to move forward without them here.

Vice Chair Milkavich asked if staff had talked to the applicant.

Commissioner Nay said they should have received letters and a phone call.

Mr. Al Janabi said he tried to call them about attending the meeting.

Commissioner Lowry made a motion to table the application by Pine River Roofing and Construction, until the applicant can be present.

Seconded by Commissioner Milkavich. Roll Call Vote:

<u>A</u>	Pehrson
<u>A</u>	Nay
<u>A</u>	Hacker
<u>A</u>	Lowry
<u>A</u>	Milkavich

Motion passed 5-0

ANNOUNCEMENTS AND QUESTIONS

There will be an MCCD Area Plan open house meeting on Monday, September 6, 2023, at 6:00 p.m. in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

The next scheduled Planning Commission meeting will be held on Thursday, September 7, 2023, at 6:30 p.m. in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

ADJOURNMENT

Commissioner Nay made a motion to adjourn the meeting at 6:46 pm. Seconded by Commissioner Milkavich.

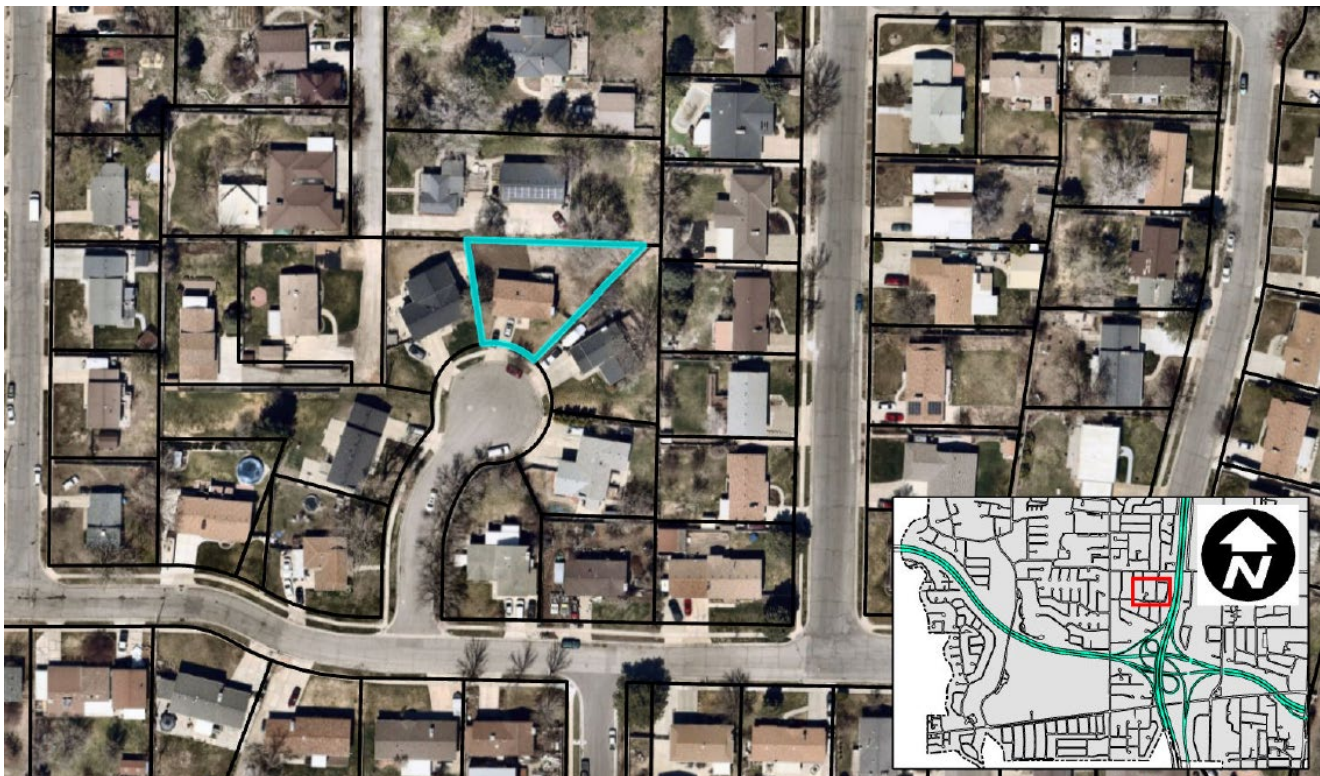


Philip J. Markham, Director
Community & Economic Development Department



AGENDA ITEM # 4 - Habomimama Delphine Daycare

ITEM TYPE:	Major Home Occupation		
ADDRESS:	5953 South Jamaica Circle	MEETING DATE:	September 7, 2023
APPLICANT:	Elie Ngabomziza & Delphine Habomimama	STAFF:	Zachary Smallwood, Senior Planner
PARCEL ID:	21-13-354-020	PROJECT NUMBER:	23-091
ZONE:	R-1-8, Single Family Residential		
SIZE:	0.20 acres		
REQUEST:	The applicant is requesting approval to have a childcare business at their place of residence as a major home occupation business.		



I. LAND USE ORDINANCE

Chapter 17.24 of the Murray City Land Use Ordinance allows some business activities to be conducted from homes in residential zones. These in-home businesses are referred to in the ordinance as “home occupations”. Section 17.24.050 of the Murray City Land Use Ordinance identifies and provides regulations for in-home businesses labeled as “Major Home Occupations”. Major Home Occupations include those businesses that either require a client to come to the residential location, or that have other potential impacts that could affect the nature of residential neighborhoods if not properly managed. Child daycare services are identified as a Major Home Occupation. Major Home Occupations must meet the standards of Chapter 17.24 generally and must also be considered for conditions to mitigate potential adverse impacts of the proposed business use on the surrounding residential neighborhood.

II. BACKGROUND

Project Location

The subject property is a single-family dwelling located within a cul-de-sac east of 700 West and south of 5900 South.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Residential	R-1-8
South	Residential	R-1-8
East	Residential	R-1-8
West	Residential	R-1-8

Major Home Occupation Process

The definition of a Major Home Occupation is *"A home occupation business where the combined off-site impact of the home occupation business and the primary residential use materially exceeds the off-site impact of the primary residential use alone."*

Major Home Occupations must be approved by the Planning Commission. The Land Use Ordinance allows a shortened process wherein the applicant can be approved for Major Home Occupations administratively if they can obtain signatures from all adjacent property owners. The applicant was unable to collect all the needed signatures for their major home occupation, in this event the applicant is allowed to appear before the Planning Commission for approval.

Applicants' Request

The applicant would like to obtain approval to operate a childcare business from their home. The applicant attempted to get signatures and was able to obtain three (3) signatures. There was one person who would not sign, and a few neighbors that could not be reached.

Home Occupation Standards Generally

Requirements for Home Occupations generally that would apply to this application are summarized and reviewed in the following:

Bona Fide Resident

Home occupation businesses can only be conducted by residents of the dwelling. The applicant lives in the subject property as a primary residence.

Accessory Use on the Property

Home occupation businesses shall not use any accessory building or yard space for storage, sale, rental or display of supplies or inventory used in the home occupation. The applicant has indicated that all supplies are located within the dwelling. The yard area will be used as outdoor play space, weather permitting and is allowed in the code.

On-Site Employees

Home occupation businesses are limited to one (1) person not residing in the residence to work for the business at the dwelling. The applicant states that there will only be one (1) person that does not live in the dwelling that will be associated with the business as a caretaker.

Vehicles

One business vehicle used by the licensee in connection with the home occupation may be parked at the premises. Other motor vehicles and equipment, and trailers used to transport the same, which are used in connection with the home occupation may not be stored or parked on the premises of the licensee or in any street adjacent to the licensed premises.

Under no circumstances may motor vehicles having a gross vehicle weight rating of more than twelve thousand (12,000) pounds and which are used in connection with the home occupation be stored or parked on the premises of a home occupation or any street adjacent to those premises.

Staff has reviewed the requirements with the applicants and they have stated that they will be able to comply with this regulation. The applicant states that in the future they would like to obtain a van for pickup and dropoff of children as necessary.

Traffic Impacts

Traffic generated by the home occupation cannot exceed that which would normally be expected in a residential neighborhood, and any need for parking must be met off-street.

Staff does not anticipate the additional trips as a result of the daycare to significantly impact the residential neighborhood. Daycares that have received approval in the past have not had reports of negative traffic impacts.

Considerations for Major Home Occupations

17.24.050(B) lists additional conditions for consideration when reviewing Major Home Occupations, including but not limited to:

- *Limits on Hours of Operation* - The applicant states that they would like to conduct their business 24 hours a day. Staff does have concerns that this may have a negative impact on the neighborhood. Planning staff contacted the State regarding daycares and there is no regulation on hours. Staff recommends that the business be limited to pickup and drop off during normal non-quiet hours (7 am to 10pm).
- *Limits on Numbers of Clients per Day/Hour* – The state recently made changes to in home daycares that allows up to sixteen (16) children at one location. LU#6815 in the R-1-8 states: Residential childcare facility (in single-family dwellings only with no more than 12 children other than those residing in the dwelling).

Staff recommends that the Planning Commission condition that the number of pickup and drop off be limited to no more than one every ten minutes. This is consistent with other applications the Planning Commission has reviewed and approved in the past. This would also spread the pickup and drop off throughout the day instead of all at once.

- *Provision of Adequate Off-Street Parking* – Based on the applicants site plan, there appears to be adequate parking for the residents and adequate space for pick up and drop of off children.

The applicant also stated that they would be doing some of the picking up and dropping off in their own van when they are able to purchase one. Staff does not have any issues with this.

- *Other Conditions to Mitigate Adverse Impacts* – Staff is unaware of any adverse impacts this proposal will have on surrounding residents. Staff recommends the applicant apply for a Murray City Home Occupation Business License and be in compliance with the Home Occupation regulations.

III. CITY DEPARTMENT REVIEW

A Planning Review Meeting was held on August 22, 2023, where the proposed Major Home Occupation application was reviewed by Murray City Department Staff. The following comments were provided:

Building Division: Prior to obtaining a business license, a floor plan indicating each room and ages of children will be required.

The remainder of the reviewing departments did not have any concerns with the proposal.

IV. PUBLIC INPUT

Forty-six (46) notices were sent to property owner's within 300' of the applicant's residence. After the notice was sent staff realized that the 300 foot notice was not required, and only adjacent neighbors needed to be noticed. As of the date of this report, Staff has received one email regarding the application who is not adjacent to the property and is opposed to the application due to potential traffic.

V. FINDINGS

Based on the analysis of the application for a Major Home Occupation to allow a daycare business on the subject property and a survey of the surrounding area, staff concludes the following:

1. The proposed use for an in home daycare business is allowed as a Home Occupation business in the R-1-8 Zone.
2. With conditions as outlined in the staff report and the applicants narrative, the proposed daycare will not significantly impact the surrounding neighbors.
3. With conditions, the proposed use as a Major Home Occupation will not be contrary to the goals and objectives of the Murray City General Plan in this area.

VI. CONCLUSION/RECOMMENDATION

Based on the information presented in this report, application materials submitted and a site review, staff recommends that the **Planning Commission APPROVE the request for a Major Home Occupation to allow a daycare business from the residential property addressed 5953 South Jamaica Circle,** as reviewed in the staff report and subject to the following conditions:

1. The applicant may have one (1) vehicle associated with the business weighing less than 12,000 pounds.
2. The applicant shall not have pickups or drop offs from the hours of 10:00 pm to 7:00 am.
3. The applicant shall stagger the arrival/departure of children such that the number of pickup and drop off be limited to no more than one every ten minutes.
4. All materials shall be located within the dwelling, no accessory structures may be used.
5. The applicant shall comply with all requirements of Fire and Building Codes, and all State and County Health Department requirements.
6. The business shall, at all times, be conducted in accordance with all applicable requirements of Chapter 17.24, Major Home Occupations.

7. The applicant shall obtain the necessary home occupation business license.
8. The applicant be limited to 12 children other than those residing in the home.

P2-23-091



MURRAY CITY CORPORATION
Community &
Economic Development

Building Division 801-270-2400
Planning Division 801-270-2420

MAJOR HOME OCCUPATION APPLICATION

Name of Business: HABONIMANA DELPHINE

Business Address: 5953 S Jamaica Circle, Murray VT 84123

Parcel Identification (Sidwell)
Number: _____

Parcel Area: _____ Current Use: _____

Floor Area: _____ Zoning Classification: _____

Name of Business

Owner: NGABONZIZA ELIE and HABONIMANA DELPHINE.

Address of Business

Owner: 5953 S Jamaica Circle, Murray VT 84123

City, State,

ZIP: Murray VT 84123

Daytime Phone #: 801-448-8133 Fax #: _____

Email Address: elie.ngabonziza84@gmail.com

Detailed description of business and impact on residential use: _____

I would like to open up a
childcare in my home.

Authorized Signature: [Signature] Date: 08-17-2023

Property Owners Affidavit

I (we) MGABONZA ELIE, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

[Signature]
Owner's Signature

[Signature]
Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake §

Subscribed and sworn to before me this 15 day of August, 2023.



[Signature]
Notary Public
Residing in Salt Lake City
My commission expires: 11/05/2025

Agent Authorization

I (we), MGABONZA ELIE, the owner(s) of the real property located at 5953 S Jamaica Circle, in Murray City, Utah, do hereby appoint _____, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

_____ to appear on my (our) behalf before any City board or commission considering this application.

[Signature]
Owner's Signature

[Signature]
Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake §

On the _____ day of _____, 20____, personally appeared before me _____ the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Notary public
Residing in _____
My commission expires: _____

Ngabonziza Elie

Phone: 8014488133

Email: elie.ngabonziza84@gmail.com

Address 5953 South Jamaica Circle

Murray UT 841213

BUSINESS PROPOSAL SUMMARY

Business name: **Habonimana Deliphine**

Business Location: 5953 South Jamaica Circle, Murray, UT84123

Objective of business: Childcare

Location of the storage and operation area for home occupation: Upstairs

People who will be engaged in the business:

1.Habonimana Deliphine : Business owner and caregiver

2.Elle Ngabonziza: Business owner

3.Vumilia Evangeline: Caregiver

Expected operation hour: 24hrs

The expected clients per hour are 16 children and that is the total number the clients who will be visiting the home per day that we expect.

Application Process:

Step 1. Contact the Planning Division. Meet informally with a member of the planning division staff to discuss your proposal and review the issues, procedures and fees associated with the application.

Step 2. Submit Application: For all major home occupation applications please submit the following information:

- ☒ Completed Major Home Occupation License application form.
- ☐ Property Owner's Affidavit (i.e. a written statement made before a notary). For your convenience, an affidavit has been provided on the back of the application form.
- ☒ If the property owner is to be represented by an "agent" during meetings with the City, please complete and submit the Agent Authorization form (also provided on the back of the application form).
- ☐ A complete description of the type of business proposed including the location of the storage and operations area for the home occupation;
- ☐ A listing of the individuals who will be engaged in, volunteer, or be employed by the licensee;
- ☐ The expected hours of operation of the business;
- ☐ The expected number of clients per hour and total expected number of clients visiting the home per day;
- ☐ Two (2) copies of a legible site plan paper copies and one (1) electronic copy of the proposal to include the following:
 - Include the project name and exact street address.
 - Accurate dimensions of the subject property, drawn to scale (i.e. 1"=10', 1"=30', etc.), with north arrow and date of drawing. ~~Sheet size should be a minimum of 11x17.~~
 - Property lines, adjoining streets, right-of ways, waterways, easements, etc. with dimensions.
 - Location and dimension of existing and proposed buildings, entries and exits, driveways, parking areas, landscape areas, sidewalks, retaining walls, fences, exterior lighting, dumpster enclosures, etc.
 - Off-Street parking for employees and clients.

*All plans submitted with the application will not be returned to the applicant and are the property of Murray City.

Step 3. Attend Planning Commission Meeting. The applicant will be sent a copy of the planning commission agenda and staff recommendation in advance of the meeting date. Information on the agenda will give the date, place and time of the meeting. The applicant or an authorized representative must be in attendance at the meeting. If no applicant is present, the Planning Commission

- Pickup via van
- Drop off on Driveway
- 1 off site employee



MURRAY CITY CORPORATION
Community &
Economic Development

Due 8/17/23

Building Division 801-270-2400
Planning Division 801-270-2420

Applying for a Major Home Occupation License

The term "Major Home Occupation License" refers to a home occupation which either requires a client to come to the home or which may result in neighborhood impacts if not properly managed. Major Home Occupations may be authorized as an accessory use in a residential zone if the use complies with special conditions provided by the Community Development Director or Planning Commission. Specified conditions and development plans associated with a Major Home Occupation License may only be amended by the Director or Planning Commission. The Major Home Occupation License is revocable by the City if any of the conditions are violated.

Overview:

Major Home Occupation License applications are reviewed by staff and/or the Planning Commission to determine compliance with the City code.

Application Fee (non-refundable):

- ☐ Major Home Occupation License fee is the applicable Business License Fee

Option 1: Notice to Neighboring Property Owners: Signatures of approval of all abutting and adjacent property owners on a form provided by the Community and Economic Development Division. If all the required signatures are obtained, the director or designee will approve, approve with conditions, or refer the application to the planning commission to be considered as a major home occupation.

Option 2: If all the required signatures cannot be obtained, the applicant may request the application be referred to the planning commission to be considered as a major home occupation.

Meeting Dates:

Who?	Planning & Zoning Commission
When?	1 st & 3 rd Thursday of each month at 6:30 p.m.
Where?	Murray City Hall Council Chambers, 10 East 4800 South

Questions

Zac Smallwood (801) 270-2407
Mustafa Al Janabi (801) 270-2429

may move on to the next agenda item. It will be up to the applicant to reschedule another hearing date and pay the appropriate fee. The applicant should be prepared to present the proposal in detail and answer questions from the Planning Commission members and other interested parties. An application may be "tabled" or "continued" if the Planning Commission needs additional information or time to consider the application. The Planning Commission will then make a motion to approve or deny the request.

Appeal of Planning Commission Decision:

Anyone aggrieved with a decision of the Planning Commission may appeal the decision to the Board of Adjustment. The appellant may be the applicant, neighboring property owner, an effected resident, or even the City itself. Appeals must be in writing and received by the Community Development Division within ten (10) calendar days of the Commission's decision. Appeals must contain all pertinent documents and state the reason(s) for the appeal. Payment of a fee is required at the time of filing.

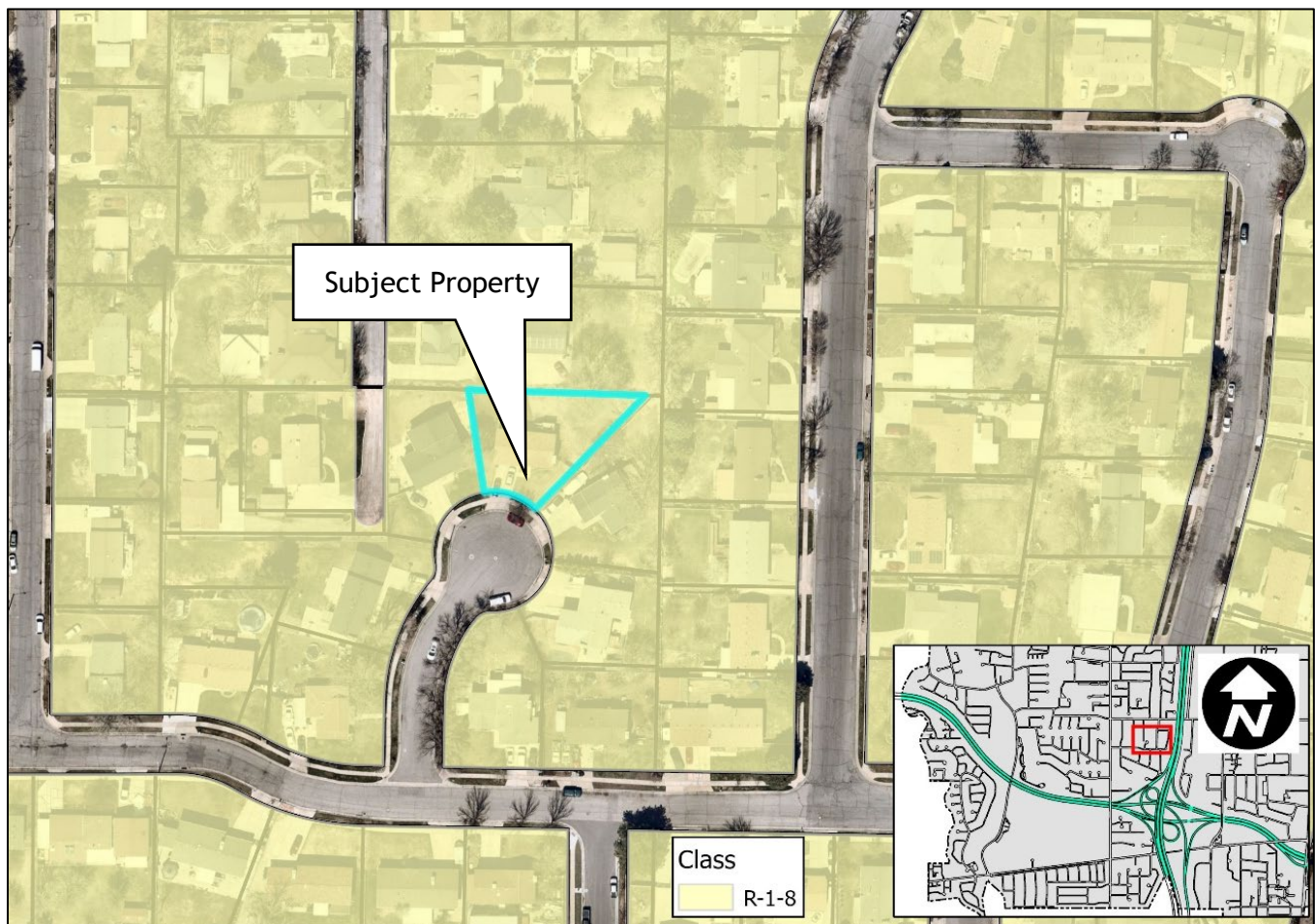


NOTICE OF PUBLIC MEETING

September 7th, 2023, 6:30 PM

The Murray City Planning Commission will hold a public meeting on Thursday, September 7th, 2023 at 6:30 p.m. in the Murray City Municipal Council Chambers, located at 10 East 4800 South to receive public comment on an application for a major home occupation submitted by **Habomimama Delphime** to allow a home-based daycare, at the property located at **5953 South Jamaica Circle**. Please see the attached plans. The meeting is open and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

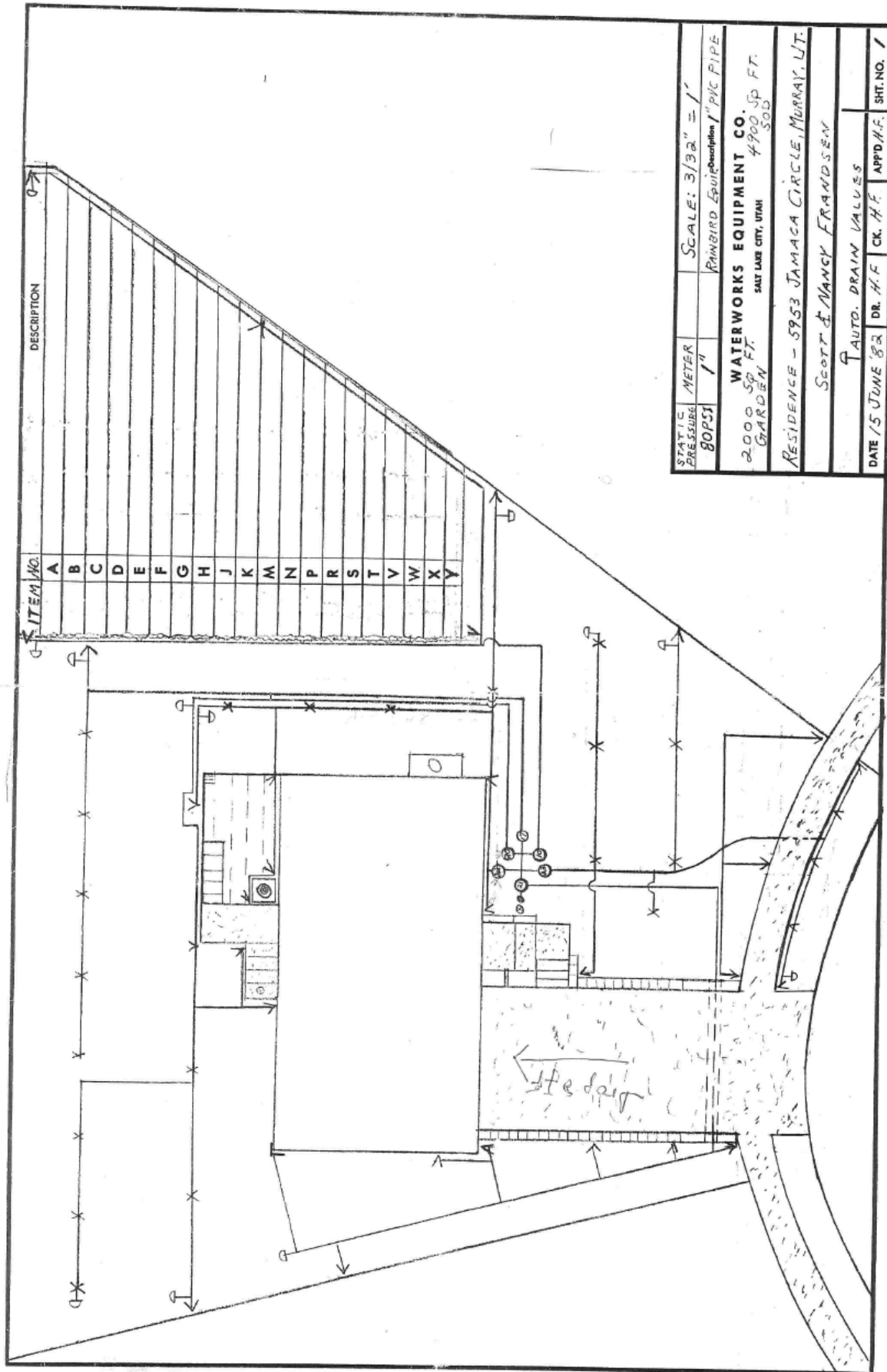
Comments are limited to 3 minutes or less, written comments will be read into the meeting record.

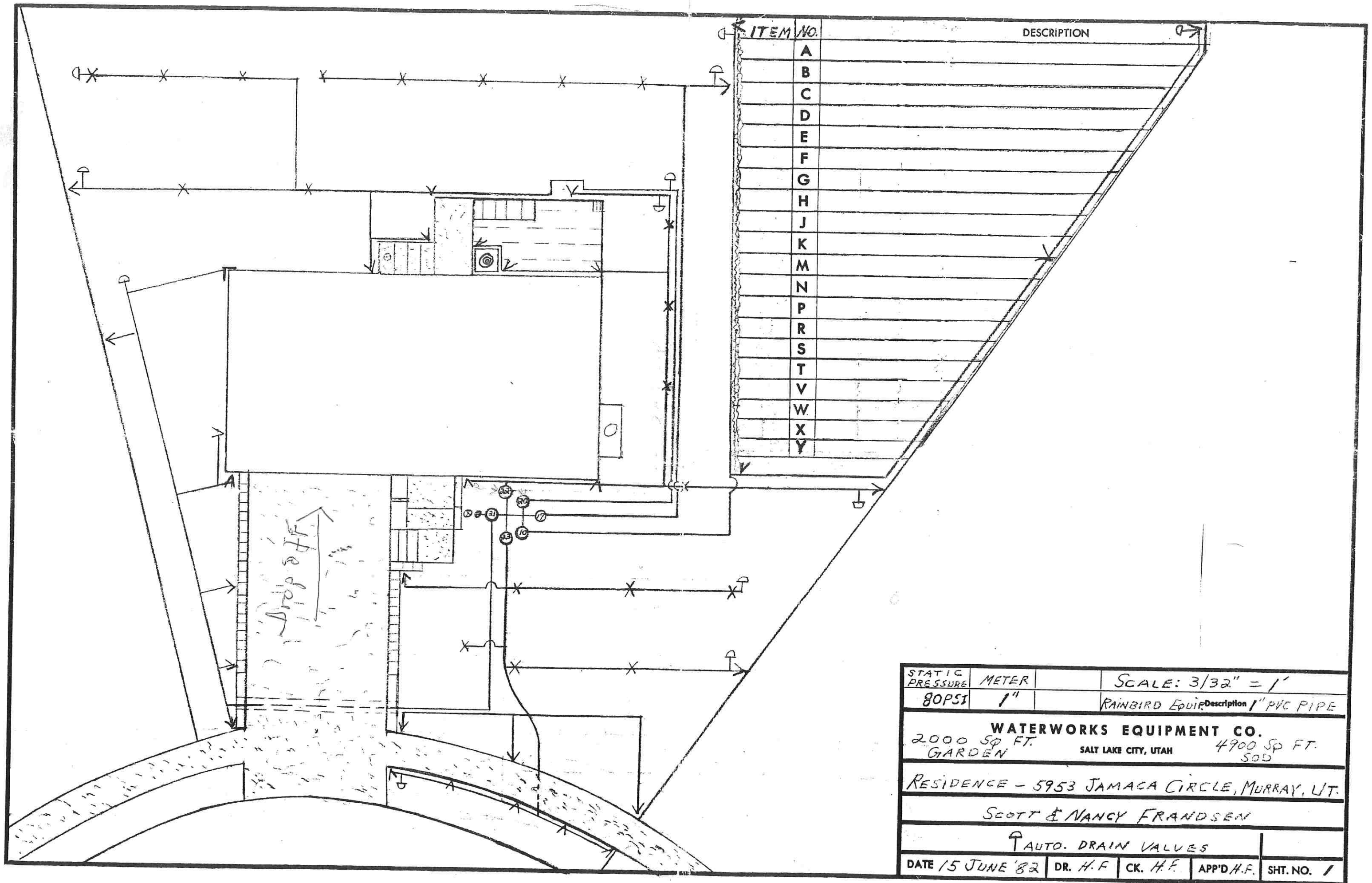


This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please call the Murray City Planning Division at 801-270-2430, or e-mail to planningcommission@murray.utah.gov.

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Public Notice Dated | August 21, 2023





From: [lynda call](#)
To: [Planning Commission Comments](#)
Cc: [lynda call](#)
Subject: comments regarding proposed daycare at 5953 S Jamaica Circle
Date: Saturday, August 26, 2023 6:17:43 PM

To: The planning commission and those involved with making the decision for a proposed daycare located in Murray at 5953 S Jamaica Circle.

I am highly opposed to the day care being approved at this location.

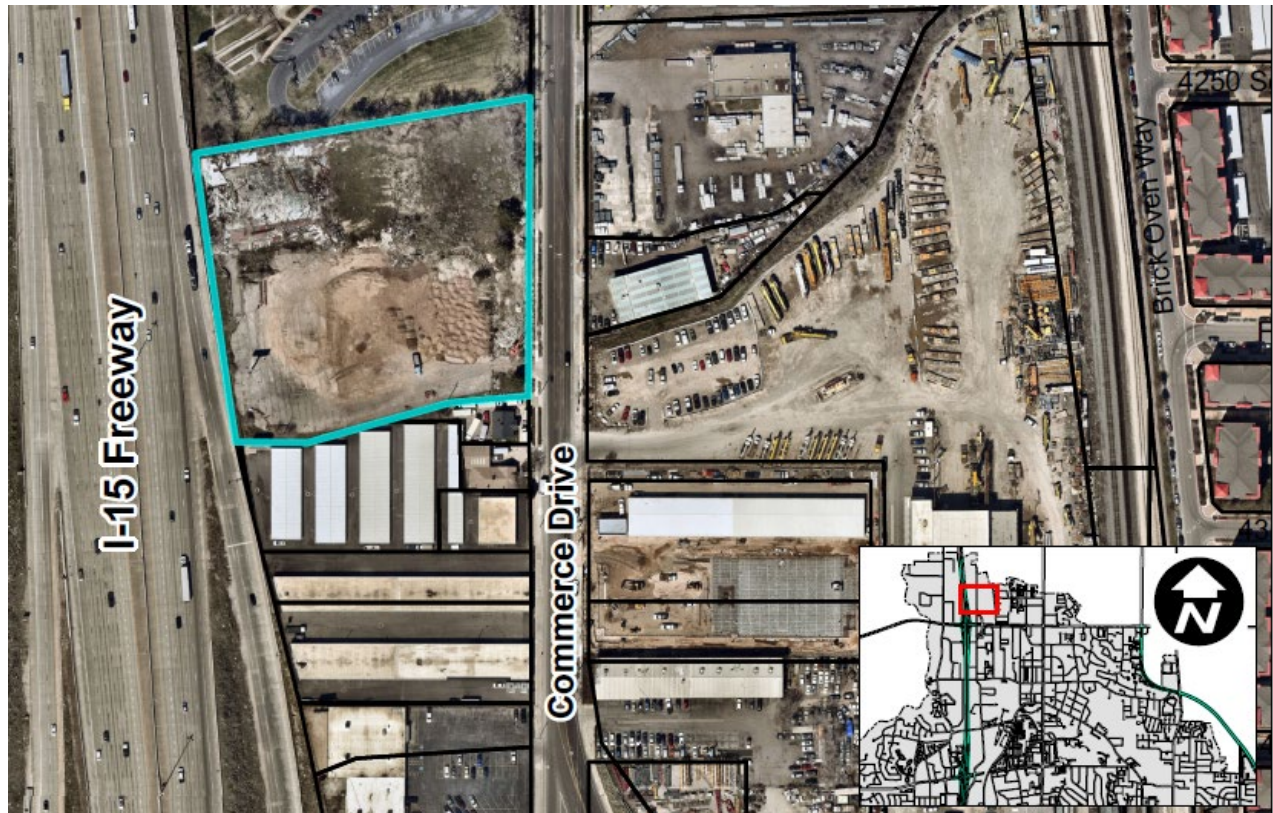
To specify in more detail our reasons for the objection: The daycare brings more car traffic and noise into our previously quiet area. There are parking issues in such a small cul-de-sac. The additional traffic will create problems for trash pick up, and mail delivery. My home is within 300 feet of the subject property. Please take into consideration my voice in this decision. These public hearings and CUP's (conditional use permits) are put into place for case by case approvals. It is my opinion that in "this case " the Day care is not a good idea. In summery please add another vote to NO, for this proposal, no doubt it is a bad idea of land use.

kindest regards, Lynda Call



AGENDA ITEM # 5 - Legacy Materials

ITEM TYPE:	Conditional Use Permit, Retaining Block Production and Storage		
ADDRESS:	4300 South Commerce Drive	MEETING DATE:	September 7 th , 2023
APPLICANT:	Mike Balls	STAFF:	Mustafa Al Janabi, Planner I & Susan Nixon, Senior Planner
PARCEL ID:	21-10-1251-001	PROJECT NUMBER:	23-079
ZONE:	M-G, Manufacturing General		
SIZE:	3.82-acre site 166,399.2 ft ²		
REQUEST:	The applicant is requesting Conditional Use Permit approval for concrete block production, manufacturing, and storage.		



I. LAND USE ORDINANCE

The subject property is located in the M-G, Manufacturing General Zone. Section 17.152.040 of the Murray City Land Use Ordinance requires Conditional Use Permit approval by the Planning Commission for concrete brick and block manufacturing and storage (LU#3261) in the M-G Zone.

II. BACKGROUND

Project Location

Project Location: This property is located on the west side of Commerce Drive, east side of I-15 and south of the Humane Society.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Commercial/Animal Shelter	M-G
South	Industrial	M-G
East	I-15/Industrial	M-G
West	Industrial	M-G

Project Description

The applicant is proposing to locate a block production and storage facility on the site which requires Planning Commission review and approval for a Conditional Use Permit. The applicant is proposing to have a 721 sq ft office. There is approximately 17,000 sq ft area for concrete casting and molding. The applicant indicated this is a wet concrete casting area.

Operations

The applicant stated that there will be less than 10 people operating at the proposed business. Hours of operation are not limited in the M-G Zone, but the applicant does not anticipate excessively early or late operating hours for the business. The applicant will retain block production. The shop building is located at the north end of the property. The adjacent uses are non-residential. Staff does not anticipate issues or problems occurring from the general operation of the business.

The applicant has provided a floor plan for the office, which is attached to this report. The applicant plans to have gatherings and meetings with investors and other businesses in the office. The forklifts and casting will occur in the casting shop. The existing building will facilitate the casting shop, located on the north side of the property. According to the applicant, a wet concrete is what will be in the casting shop and will not generate any dust. The applicant provided a document outlining the operation processes for what happens in the shop which is attached to this report. This document is provided to show the Commission the type of materials the applicant is creating and is highly technical in nature.

Though the site appears to be adequate for this type of operation, no dust mitigation plan was

provided, the applicant stated that the cement would be dry, and will not generate any dust. Staff recommends as a mitigating factor for possible dust and materials traveling onto the adjacent property to the north, that a solid eight-foot (8') fence be installed along the north boundary line.

Parking

Parking for office use is calculated at the rate of four (4) spaces for each 1,000 square feet. Based on the office, a total of three (3) parking stalls are required. The remaining space in the building is utilized as casting and storage of materials. The site plan submitted by the applicant identifies the possible location of a total of ten (10) parking spaces on the site. The parking lot does not show parking to accommodate large work vehicles and equipment. Staff recommends that the parking stalls be re-striped to be identified more clearly and include parking for large work vehicles and equipment. Additionally, one parking stall must be striped as a van-accessible, ADA-compliant stall.

Access

There are two (2) points of access from Commerce Drive. The accesses are looped and connect both on the north and south of Commerce Drive. Both drive approaches must be widened to a minimum of 25' and a maximum of 50' to meet parking regulations. The looped accesses allow for large trucks to enter and exit the site in a forward motion.

Improvements

Exiting right-of-way improvements on the Commerce Drive side have been limited to curb and gutter. However, the City Engineer has indicated that curb, gutter and sidewalk must be replaced along the Commerce Drive property frontage.

Landscaping

The property has minimal amounts of landscaping along the Commerce Drive frontage. There are 4 shrubs and grass. Section 17.68 .040.A. requires the frontage landscaping to include a minimum: three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs for every one hundred (100) linear feet of property frontage. The property has 344 linear feet of frontage on Commerce Drive. Required landscaping is provided in the chart below:

Frontage Landscaping, Commerce Drive			
344 Linear Feet	Trees	5-gallon shrubs	1-gallon shrubs
Required	9	14	30
Provided	0	4	0

The applicant will need to work with staff to provide a landscaping plan that meets the requirements in Chapter 17.68, Landscaping Ordinance.

III. LAND USE ORDINANCE STANDARDS REVIEW

Section 17.56.060 of the Land Use Ordinance outlines the following standards for review for conditional uses.

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.**

With conditions and improvements, the proposed use is acceptable in this location and will contribute to the general well-being of the area and this development.

- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

With conditions, the proposed use will not be detrimental to the health, safety, or general welfare of persons working in the vicinity.

- C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets.**

With conditions, the proposed use and property will stress quality development with an active tenant and additional landscaping. The proposed use is in harmony with the allowed uses in this zoning district and those found in the area.

- D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.**

The applicant has submitted sufficient information for a review of this conditional use permit application by Murray City Staff and the Murray City Planning Commission.

IV. CITY DEPARTMENT REVIEW

Plans were distributed to multiple Murray City department staff on July 5, 2023, and August 22, 2023. The following comments have been provided by the departments that reviewed the proposal:

City Engineer Comments:

1. Meet City storm drainage requirements, on-site detention/retention is required. Implement Low Impact Development (LID) practices.
2. Provide a formal grading, drainage, and utility plan.

3. Obtain any required State Permits air quality permits for planned batch plant and planned site operations.
4. Replace any damaged curb, gutter and sidewalk along property frontage to Commerce Drive.
5. Develop a site SWPPP and obtain a Land Disturbance Permit prior to beginning any site work.
6. Obtain a City Excavation Permit for work in the City right-of-way.

- **The Water Department comments:**

1. There is no utility plan for this project
2. There is an abandoned 1"1/2 meter that is still available for this property. Located in the park strip.
3. All water utility work must follow Murray City Water Specification and Requirements
 - i. <https://murray.utah.gov/DocumentCenter/View/13884/Spec-Book-2023-Updated-4142023?bidId=>

- **The Power Department** had no comments.

- **The Wastewater Department comments:**

1. Plan does not include utility sheet. Need to see how the proposed bathroom in the trailer will tie in?
2. If proposing to use the existing lateral for connection the lateral must be televised with the city wastewater inspector present to determine if it can be used. Lateral may be required to be lined for use.
3. All work must meet Murray Wastewater specification. Include all applicable specifications directly in the plan.
4. <https://www.murray.utah.gov/DocumentCenter/View/12589/Wastewater-Spec-Book-2021?bidId=>

- **The Building Department comment:**

1. The temporary office needs to show more information. They need to provide ramp details, accessible bathroom details, accessible breakroom counter details and accessible parking.

The preceding comments are addressed as conditions of approval at the end of this report. No additional comments were provided by other Murray City departments.

V. PUBLIC INPUT

Twelve (12) notices of the public meeting were sent to all property owners for parcels located within 400 feet of the subject property. Staff received comments from the Humane Society with objections to allowing this use here. They feel that it will negatively impact the experience of their customers and the animals housed at the location. They are also concerned with any potential dust from the operation.

VI. FINDINGS

Based on the analysis, a survey of the surrounding area and Conditional Use Permit application to allow block production and storage, staff concludes the following:

1. The proposed use for Block Production and Storage (LU #3261), is allowed in the M-G Zoning District subject to Conditional Use Permit approval.
2. With conditions as outlined in the staff report, the proposed use and property will comply with the standards of the Murray City Land Use Ordinance.
3. The proposed use is not contrary to the goals and objectives of the Murray City General Plan in this area.

VII. CONCLUSION/RECOMMENDATION

Based on the information presented in this report, application materials submitted and site review, **staff recommends approval of a Conditional Use Permit for a Concrete Block Production and Storage business at the property addressed 4300 South Commerce Drive** subject to the following conditions:

1. The applicant shall comply with all city engineer requirements including:
 - a) Meet City storm drainage requirements, on-site detention/retention is required. Implement Low Impact Development (LID) practices.
 - b) Provide a formal grading, drainage, and utility plan.
 - c) Obtain any required State Permits air quality permits for planned batch plant and planned site operations.
 - d) Replace any damaged curb and gutter and sidewalk along property frontage to Commerce Drive.
 - e) Develop a site SWPPP and obtain a Land Disturbance Permit prior to beginning any site work.
 - f) 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.
3. The applicant shall obtain Murray City building permits for any construction.
4. The Planning Commission authorizes staff to work with the applicant on a revised site plan showing the required nine (9) parking spaces, including one (1) ADA van accessible and parking for the large trucks and equipment.
5. The applicant shall obtain sign permits prior to the installation of any new attached or detached business signage.
6. The applicant shall replace the damaged curb, gutter, and sidewalk along the property frontage.
7. The applicant shall provide a utility plan to meet Water Department requirements.
8. The property landscaping shall comply with landscaping standards outlined in Chapter 17.68 of the Murray Land Use Ordinance. The front setback landscaping along

Commerce Drive shall be modified to include a total of the following:

- (a) Nine(9) trees;
- (b) Fourteen (14) 5-gallon shrubs; and
- (c) Thirty (30) 1-gallon shrubs.

- 9. The applicants shall obtain a Murray City Business License and pay applicable fees.
- 10. The applicant shall install a solid eight-foot (8') fence along the north property line.
- 11. The business shall not have any materials or mud tracked onto Commerce Drive.
- 12. The applicant shall provide a dust mitigation plan to the City before a business license is issued.
- 13. The applicant shall meet all requirements of the building, water, and wastewater departments.
- 14. A revised site plan be submitted to the planning staff showing both drive approaches be widened to a minimum of 25' and a maximum of 50' to meet parking regulations prior to issuance of a building permit.

Project # 23-079

CONDITIONAL USE PERMIT APPLICATION

Type of Application (check all that apply):

☐ New Construction ☐ Land use change ☐ Remodel ☐ Addition

Subject Property Address: 4300s Commerce Dr

Parcel Identification (Sidwell)
Number: 21012510010000

Parcel Area: 3.82 acres Current Use: Land/Vacant

Floor Area: 3.82 acres Zoning Classification: M-G LU#

Applicant
Name: Mike Balls

Mailing
Address: 13133s Running Bear Ln

City, State,
ZIP: Draper, UT 84020

Daytime Phone #: 801-514-8051 Fax #:

Email Address: Mike@7dutah.com

Business or Project Name : Legacy Materials

Property Owner's Name (If different): D.U. Company

Property Owner's Mailing Address: 20 W Century Parkway

City, State, Zip: Salt Lake City, UT, 84115

Daytime Phone #: (801) 859-6433 Fax #:

Email address: property@ifinley.com

Describe your request in detail (use additional page if necessary):

Retaining Block production and Storage

Authorized Signature: Isaac Finley Date: 6/20/2023

Project # _____

Property Owners Affidavit

I (we) Mary O Strong, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application; that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

M O Strong
Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake §



Subscribed and sworn to before me this 15 day of June, 2023.

Paula Palmer
Notary Public

Residing in Salt Lake City, UT My commission expires: 08/21/2026

Agent Authorization

I (we), Mary O Strong, the owner(s) of the real property located at 4300 South Commerce Dr, in Murray City, Utah, do hereby appoint _____, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

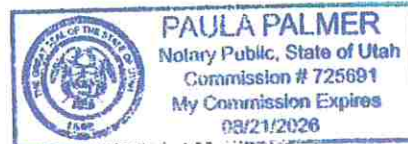
_____ to appear on my (our) behalf before any City board or commission considering this application.

M O Strong
Owner's Signature

Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake §



On the 15 day of June, 2023, personally appeared

before me Mary O Strong the signer(s) of the above Agent

Authorization who duly acknowledge to me that they executed the same.

Paula Palmer
Notary public

Residing in Salt Lake City, UT My commission expires: 08/21/2026

Project # _____

OWNERS CERTIFICATION FORM
(To Be Complete and Signed by Property Owner)

Property Owner Name: D.U. Company Phone: _____

Property Address: 4300 S Commerce Dr Murray, UT 84107

Name of Organization/Business: _____

Contact Person: _____ Phone: _____

Email address: _____

Address: _____ City: _____ UT Zip _____

Project Description: _____

Additional information or comments:

Per City Code Section 17.76.180: Multi Warehouse Facilities:

A. Owners Certification: Upon application for planning and zoning commission or community development division approval for each tenant of a multiuse warehouse facility, the owner's affidavit must reflect in addition to other required information:

1. Certification that the Owners property complies in all respects to all applicable zoning ordinances; and
2. Where applicable, further certification that the Owner's property will comply with any further conditions imposed as a result of each tenant's application for approval.

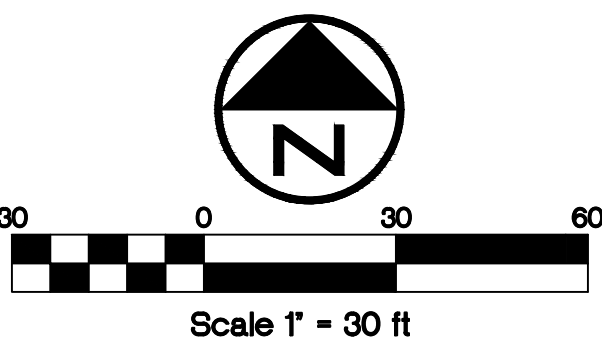
B. Parking Stalls: Each tenant shall have designated parking stalls meeting all city, state and federal requirements, including signage clearly assigning the required number of stalls to each tenant's business.

As owner of the property being considered for site plan review/conditional use permit, I will comply with Section 17.76.180 as specified above.

Signature: MD Strong Date: 6-15-23

Murray City Corporation
Community & Economic Development Division
4646 South 500 West
Murray UT 84123
(801) 270-2420

7D 4500 SOUTH
CONSTRUCTION YARD PLAN
4300 S COMMERCE DR

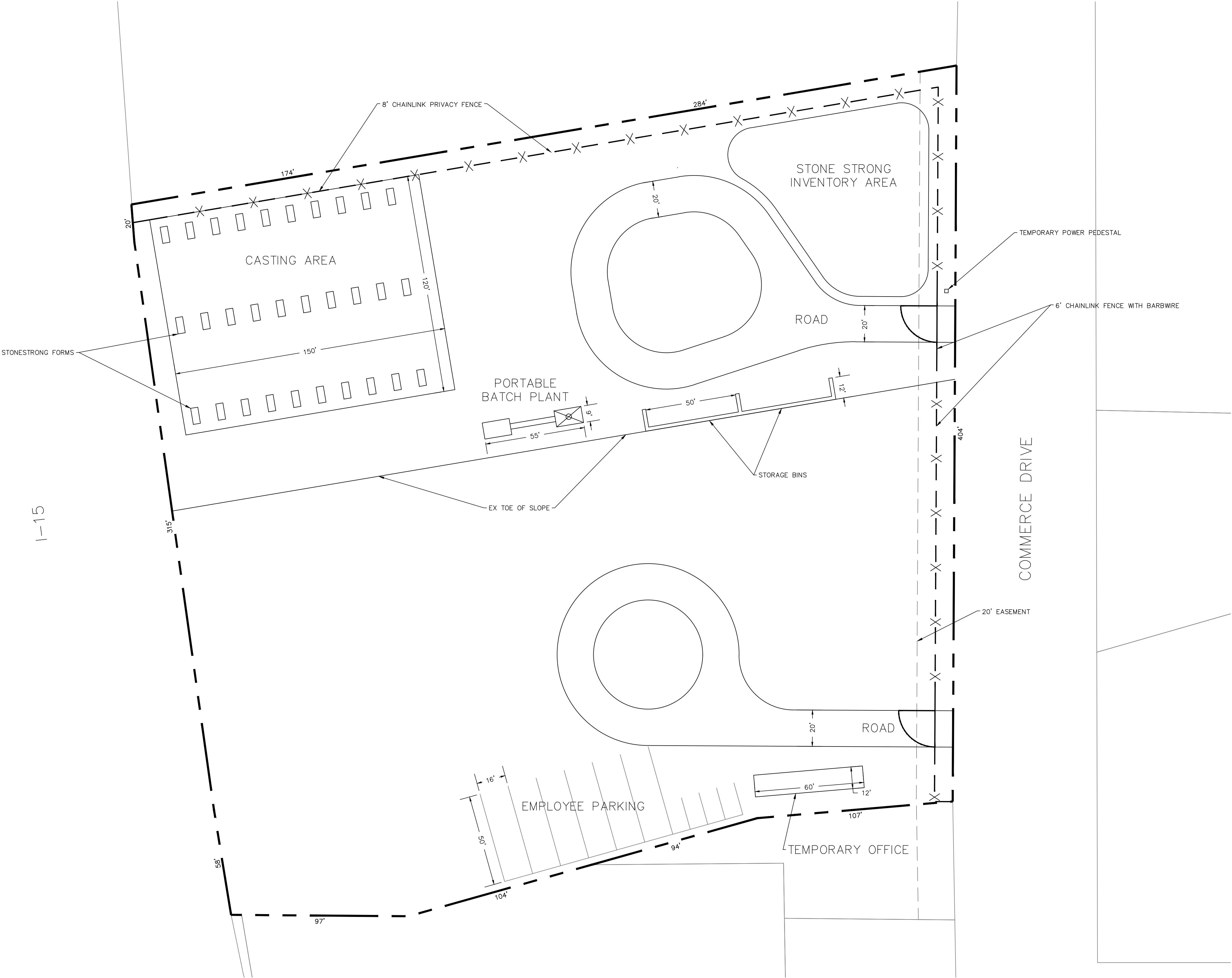




WILDING
ENGINEERING

14721 SOUTH HERITAGE CREST WAY
BLUFFDALE, UTAH 84065
801.553.8112
WWW.WILDINGENGINEERING.COM

- DRAWING NOTES:
1. NORTH BOUNDARY PRIVACY FENCE TO BE OFFSET FROM PROPERTY LINE TO PRESERVE EXISTING TREES.
 2. EASTERN BOUNDARY FENCE ALONG COMMERCE DRIVE TO BE OFFSET 25' FROM BACK OF EXISTING CURB AND GUTTER.
 3. FRONT YARD STRIP ALONG COMMERCE DRIVE TO BE ZERO SCAPED.
 4. CASTING AREA TO BE ENCLOSED IN FUTURE. ENCLOSURE LIKELY TO BE DOME TENT WITH CONCRETE STEM WALL.
 5. ROADWAYS TO BE PAVED IN RECYCLED ASPHALT/CONCRETE TO MITIGATE DUST POLLUTION.
 6. EXISTING CONCRETE PAD TO BE CLEARED AND USED FOR STONE STRONG INVENTORY AREA TO MITIGATE DUST POLLUTION.



G:\DATA\23181 7D 4500 S Expansion\dwg\4500s Concept 3.dwg
PLOT DATE: Aug 18, 2023

NO.	REVISION	DATE

PROJECT INFORMATION

7D 4500 SOUTH

CONSTRUCTION YARD PLAN

MURRAY, UTAH

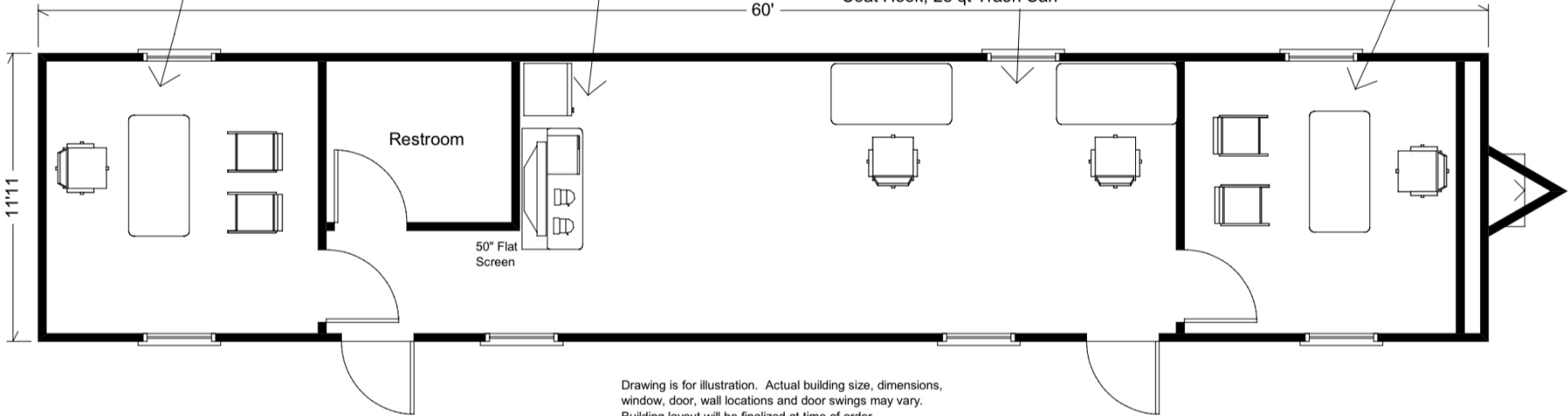
DRAWN KCW	CHECKED ---	PROJECT # ---
ENGINEER'S STAMP		DATE 8/18/23
		SCALE 1" = 30'
		SHEET CONCEPT

Professional Office - 60" x 30" Laminate Desk, Luxhide Executive Chair, 2-Guest Chair, Pedestal File Cab, 3' x 4' Whiteboard, Floor Mat, Coat Hook, 28 qt Trash Can, Office Supply Starter Kit

Professional Café - 5' Café Table, 14.6 cuft Fridge, 1.1 cuft Microwave, Keurig, Coffee Pot w/Starter Kit, 23 Gal Trash Can

(2) Basic Office - 60" x 30" Laminate Desk, Manager Chair, 3' x 4' Whiteboard, Floor Mat, Coat Hook, 28 qt Trash Can

Professional Office - 60" x 30" Laminate Desk, Luxhide Executive Chair, 2-Guest Chair, Pedestal File Cab, 3' x 4' Whiteboard, Floor Mat, Coat Hook, 28 qt Trash Can, Office Supply Starter Kit



Drawing is for illustration. Actual building size, dimensions, window, door, wall locations and door swings may vary. Building layout will be finalized at time of order.

LIVING AREA
721 sq ft

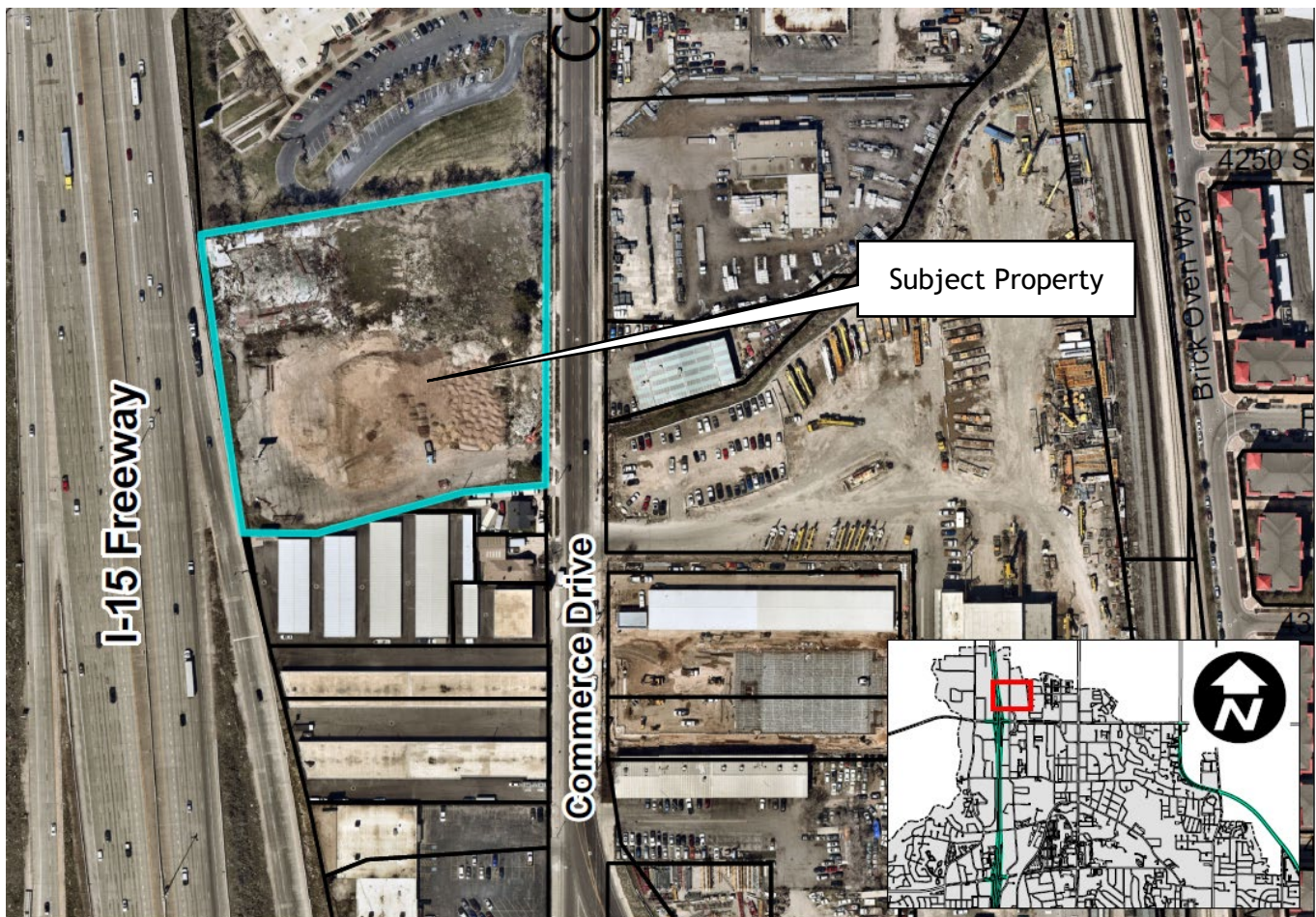


NOTICE OF PUBLIC MEETING

September 7th, 2023, 6:30 PM

The Murray City Planning Commission will hold a public meeting on Thursday, September 7th, 2023, at 6:30 p.m. in the Murray City Municipal Council Chambers, located at 10 East 4800 South to receive public comment on an application submitted by representatives of **Legacy Materials** for a Conditional Use Permit for a block and stone manufacturing business at the property located at **4300 South Commerce Drive**. Please see the attached plans. The meeting is open and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

Comments are limited to 3 minutes or less, written comments will be read into the meeting record.

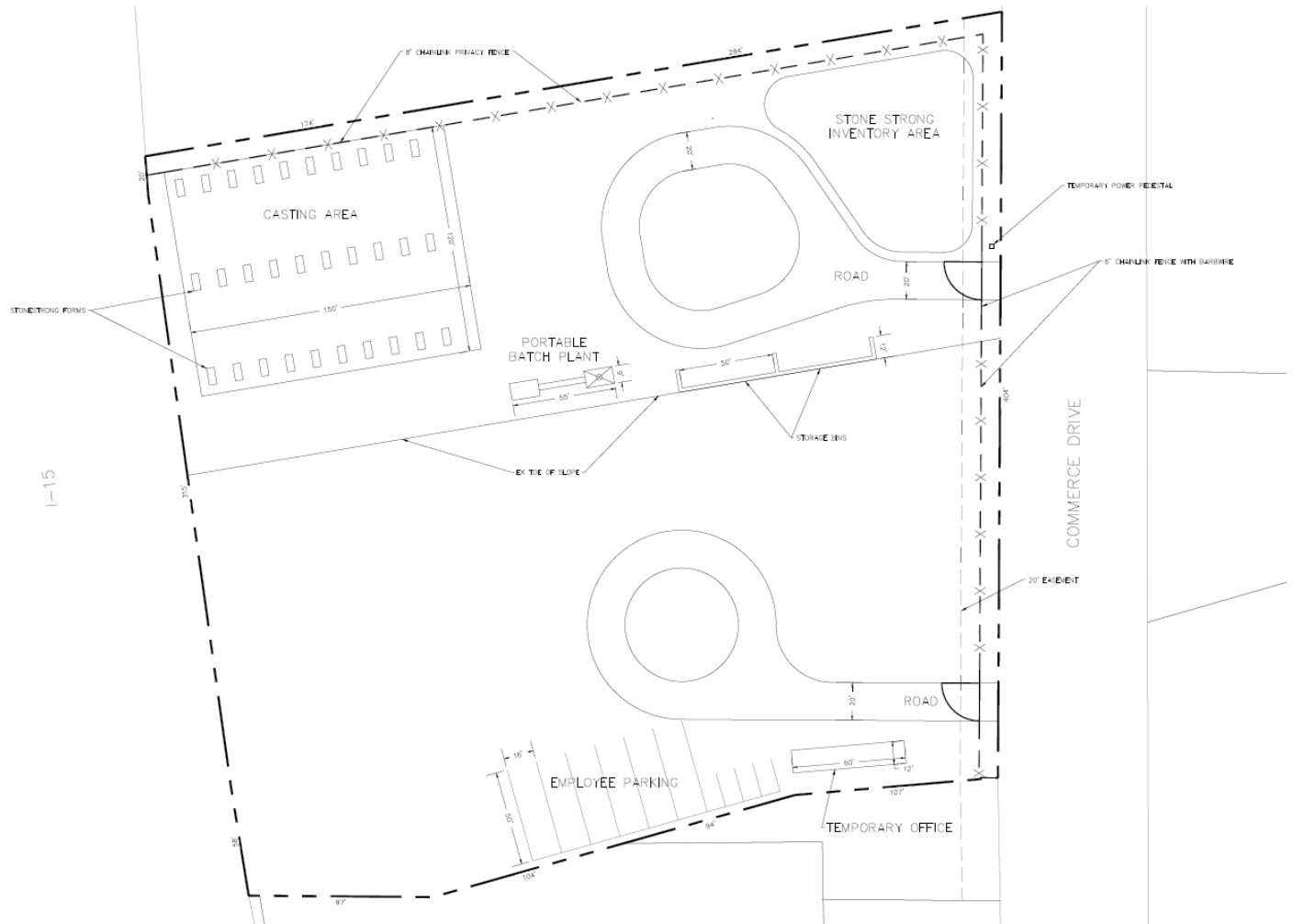


This notice is being sent to you because you own property within 300 feet of the subject properties. If you have questions or comments concerning this proposal, please call the Murray City Planning Division at 801-270-2430, or e-mail to planningcommission@murray.utah.gov or snixon@murray.utah.gov.

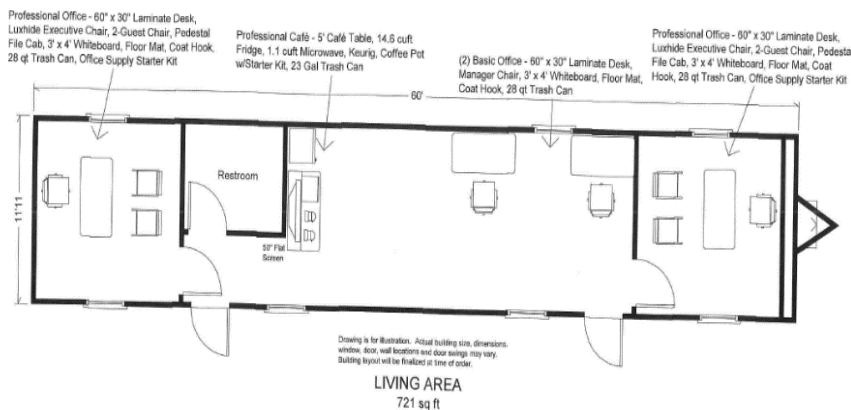
Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Public Notice Dated | August 23rd, 2023

Site Plan



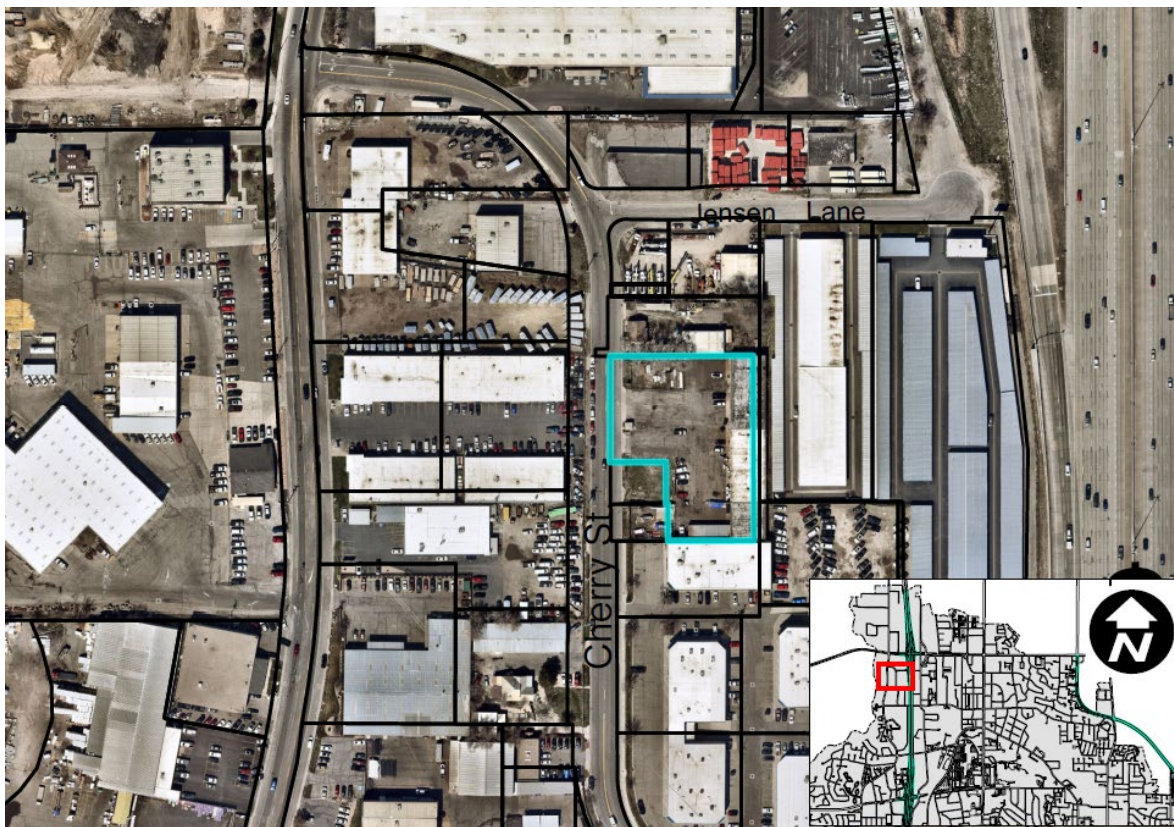
Floor Plan





AGENDA ITEM # 6 Pine River Roofing & Construction

ITEM TYPE:	Conditional Use Permit		
ADDRESS:	4627 South Cherry Street	MEETING DATE:	September 7, 2023
APPLICANT:	Mathew Rife	STAFF:	Mustaf Al Janabi, Planner I
PARCEL ID:	21-01-329-006	PROJECT NUMBER:	23-087
ZONE:	M-G, Manufacturing General		
SIZE:	1.03-acre site 14,133.6 ft ² building 2,220 ft ² unit		
REQUEST:	The applicant is requesting Conditional Use Permit approval to allow roofing and construction contractors business (LU #6600).		



I. LAND USE ORDINANCE

The subject property is located in the M-G, Manufacturing General Zone. Section 17.152.040 of the Murray City Land Use Ordinance requires Conditional Use Permit approval by the Planning Commission for Roofing and Construction contractor businesses (LU#6600) in this zone.

II. BACKGROUND

Project Location

Project Location: This property is located south of Jensen Lane, and on the east side of Cherry Street in the M-G zone. The property has been used as a trailer repair business for many years.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Industrial	M-G
South	Industrial	M-G
East	Industrial	M-G
West	Industrial	M-G

Project Description

The applicant is requesting a Conditional Use Permit to allow a roofing and construction contractor's business at the existing building. This building was previously used as a trailer repair business.

Operations

The applicant would like to move their operations to this location. The operation of the property would be a gathering place in the morning for people to get assigned their location for the day. The applicant states that six to seven people would check in at approximately 6 am during the summer and 7 am during the winter, one person would stay at the property until 9am.

Parking

According to Section 17.152.090 of the Murray City Land Ordinance, four (4) parking stalls need to be provided for every 1,000 square feet of office space, and one (1) stall needs to be provided for every 750 square feet of warehouse space. The warehouse space is calculated at 1552 sq ft and would require two (2) parking spaces. While the net usable office area is calculated at 192 sq ft and requires one (1) parking space. Based on staff's calculation of the floorplan provided the total required parking spaces for this use is three (3) parking spaces.

Staff conducted a site review and found that many of the stalls at this location have deteriorated and require maintenance. Staff recommends that the applicant work with the property owner to restripe the required parking spaces for this unit and is listed as a condition of approval. Staff suggests the property owner restripe the entire area to avoid needing to do

this in the future, but it is not a requirement at this time.

Access

The property is accessed by Cherry Street and has two accesses, one is fifty (50') and another is thirty (30'). The accesses already exist. Staff does not have any concerns with the access at this time.

Refuse Siting

During a site visit, staff found two garbage containers that are not screened. Section 17.76.170 of the Murray City Land Use Ordinance requires that outdoor refuse containers be contained within a solid barrier fence with attached solid barrier access gates.

Landscaping

The property has approximately fifty feet (50') of landscaped frontage along Cherry Street without the driveways. The landscaped area consists largely of weeds that need to be removed, the entire frontage of the property does not meet the landscaping standards with the zoning ordinance Chapter 17.68. The current landscaping standards require that the front setback area for any commercial property must include at a minimum: three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs for every one hundred (100) linear feet of property frontage. Based upon this requirement, staff recommends that the property owner be required to provide the following landscape materials in the front yard area as a listed in the table below and will be listed as a condition of approval:

Landscaping, Cherry Street Frontage: 100'			
Type	Trees	5-gallon shrubs	1-gallon shrubs
Required	2	3	5
Provided	0	0	0

III. LAND USE ORDINANCE STANDARDS REVIEW

Section 17.56.060 of the Land Use Ordinance outlines the following standards for review for conditional uses.

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.**

With conditions and improvements, the proposed use is desirable in this location and will contribute to the general well-being of the community and this development.

- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or**

injurious to property or improvements in the vicinity.

With conditions, the proposed use will not be detrimental to the health, safety, or general welfare of persons working in the vicinity.

- C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking and traffic circulation, use of appropriate gradation of building height away from single family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities and streets.**

With conditions, the proposed use and property will stress quality development with an active tenant and additional landscaping. The proposed use is in harmony with the allowed uses in this zoning district and those found in the area.

- D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.**

The applicant has submitted sufficient information for a review of this conditional use permit application by Murray City Staff and the Murray City Planning Commission.

IV. CITY DEPARTMENT REVIEW

Plans were distributed to multiple Murray City department staff on April 4, 2023. The following comments have been provided by the departments that reviewed the proposal:

- The City Engineer had no comments.
- The Water Department had no comments.
- The Power Department had no comments.
- The Wastewater Department had no comments.

The preceding comments are addressed as conditions of approval at the end of this report. No additional comments were provided by other Murray City departments.

V. PUBLIC INPUT

Twenty (20) notices of the public meeting were sent to all property owners for parcels located within 300 feet of the subject property. Staff has received one phone call with concerns about buffering neighboring businesses and landscaping.

VI. FINDINGS

Based on the analysis, a survey of the surrounding area and Conditional Use Permit

application to allow roofing and construction, staff concludes the following:

1. The proposed use for a roofing and construction contractor (LU# 6600), is allowed in the M-G Zoning District subject to Conditional Use Permit approval.
2. With conditions as outlined in the staff report, the proposed use and property will comply with the standards of the Murray City Land Use Ordinance.
3. The proposed use is not contrary to the goals and objectives of the Murray City General Plan in this area.

VII. CONCLUSION/RECOMMENDATION

Based on the information presented in this report, application materials submitted and site review, **staff recommends approval of a Conditional Use Permit for Pine River Roofing and Construction business at the property addressed 4627 South Cherry Street** subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicants shall obtain permits for any signs prior to the installation of any new attached business signage.
3. The property owner shall work with staff to develop a landscape plan that complies with the landscaping standards outlined in Chapter 17.68 of the Murray Land Use Ordinance.
4. The applicants shall obtain a Murray City Business License and pay applicable fees.
5. The applicant or property owner shall restripe the parking stalls in front of this business according to Chapter 17.72, and at a minimum have a stall dimension of nine feet (9') by eighteen feet (18').
6. The property owner shall include a garbage enclosure as required by Section 17.76.170 of the Land Use Ordinance.

Project # P2-23-087

CONDITIONAL USE PERMIT APPLICATION

Type of Application (check all that apply):

- ☐ New Construction ☐ Land use change ☐ Remodel ☐ Addition
☐ CUP Amendment

Subject Property Address: 4627 S. Cherry St.

Parcel Identification (Sidwell)
Number: _____

Parcel Area: _____ Current Use: _____

Floor Area: _____ Zoning Classification: _____ LU# _____

Applicant
Name: - Matthew Rife
Pine River roofing & Construction

Mailing
Address: P.O. Box 437

City, State,
ZIP: Kaysville ut 84037

Daytime Phone #: 801 773 6198 Fax #: _____

Email Address: PineRiverRoofing01@gmail.com

Business or Project Name: Pine River Roofing & Construction

Property Owner's Name (If different): _____

Property Owner's Mailing Address: _____

City, State, Zip: _____

Daytime Phone #: _____ Fax #: _____

Email address: _____

Describe your request in detail (use additional page if necessary): _____

Roofing & construction

Authorized Signature: [Signature] Date: 1.20.23

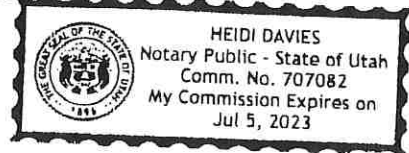
AK Dev, LLC Property Owners Affidavit

I (we) Ace Allak, Mgr, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

* [Signature] Owner's Signature
[Signature] Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake §



Subscribed and sworn to before me this 11 day of APRIL, 20 23.

[Signature]
 Residing in SALT LAKE CITY Notary Public
 My commission expires: July 5, 2023

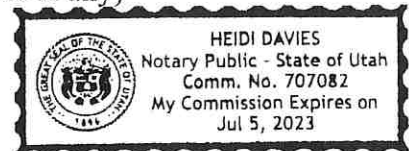
Agent Authorization

AK Dev, LLC
 I (we), Ace Allak, MGR, the owner(s) of the real property located at 4627 Cherry Street, in Murray City, Utah, do hereby appoint Graig Griffin, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize Graig Griffin / Matt Rife to appear on my (our) behalf before any City board or commission considering this application.

* [Signature] Owner's Signature
[Signature] Owner's Signature (co-owner if any)

State of Utah

County of Salt Lake §



On the 10 day of APRIL, 20 23, personally appeared before me ACE ALLAK the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

[Signature]
 Residing in SALT LAKE CITY Notary public
 My commission expires: JULY 5, 2023

Project # _____

OWNERS CERTIFICATION FORM
(To Be Complete and Signed by Property Owner)

Property Owner Name: Ace Atlati, Mgr
AK Dev, LLC Phone: 801-694-6439

Property Address: 4627 Cherry Street Murray, UT 84123

Name of Organization/Business: AK Dev, LLC

Contact Person: Graig Griffin Phone: 435-229-1990

Email address: graidgriffin@gmail.com

Address: 6395 900E City: SLC UT Zip 84102

Project Description: Cherry Street Ind. Park

Additional information or comments:

Per City Code Section 17.76.180: Multi Warehouse Facilities:

A. Owners Certification: Upon application for planning and zoning commission or community development division approval for each tenant of a multiuse warehouse facility, the owner's affidavit must reflect in addition to other required information:

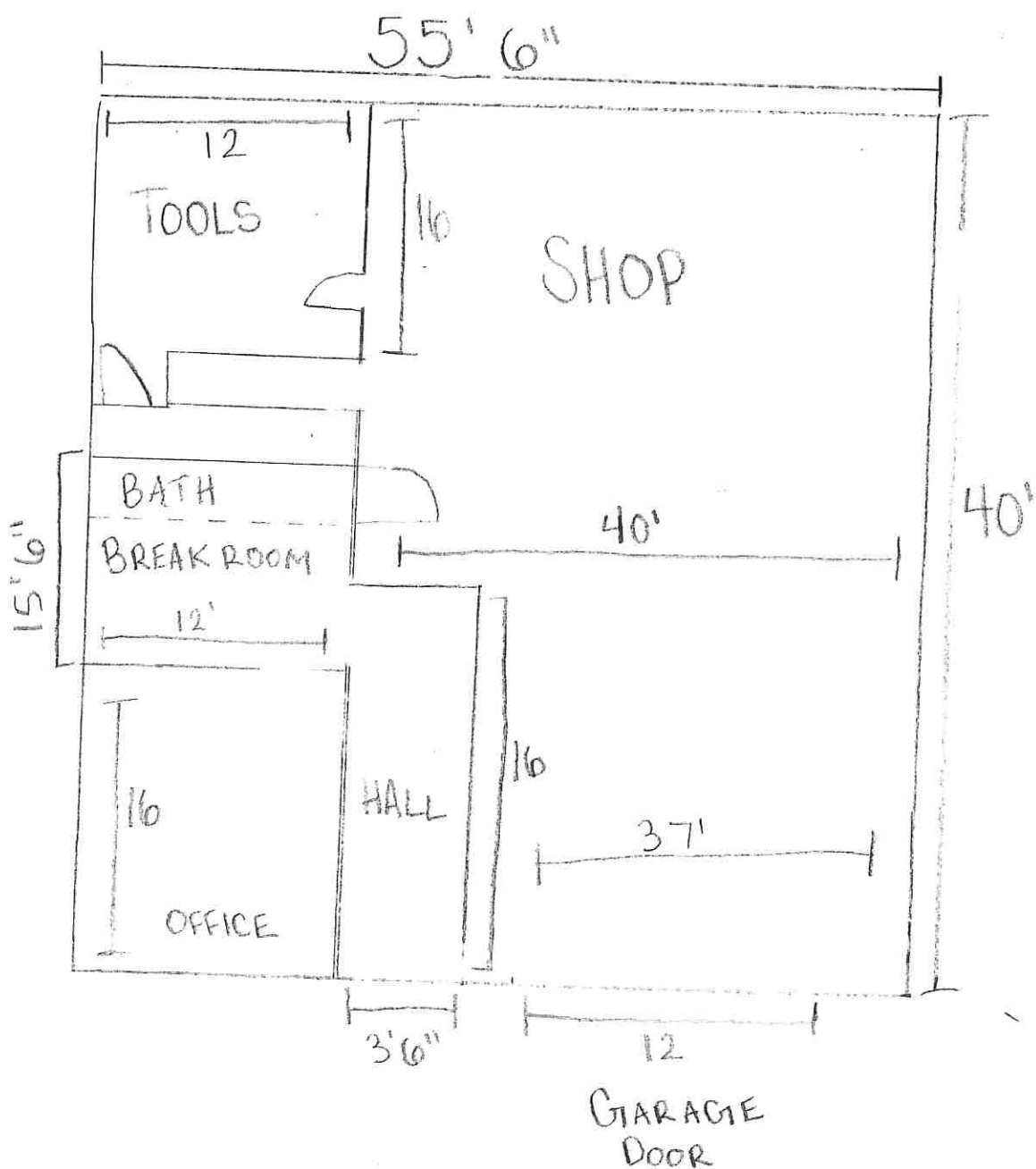
1. Certification that the Owners property complies in all respects to all applicable zoning ordinances; and
2. Where applicable, further certification that the Owner's property will comply with any further conditions imposed as a result of each tenant's application for approval.

B. Parking Stalls: Each tenant shall have designated parking stalls meeting all city, state and federal requirements, including signage clearly assigning the required number of stalls to each tenant's business.

As owner of the property being considered for site plan review/conditional use permit, I will comply with Section 17.76.180 as specified above.

X Signature: _____ Date: 4/10/23

Murray City Corporation
Community & Economic Development Division
4646 South 500 West
Murray UT 84123
(801) 270-2420







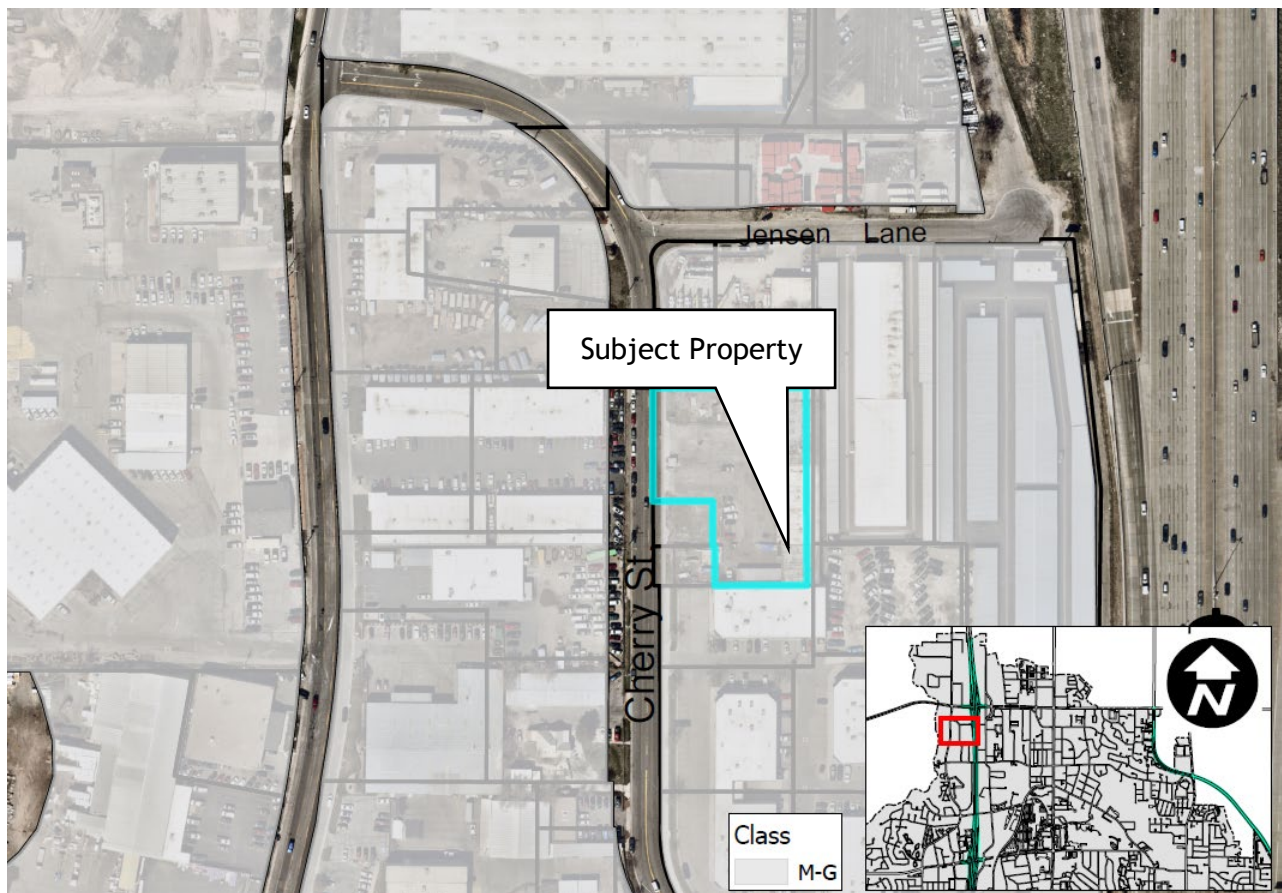
NOTICE OF PUBLIC MEETING

September 7th, 2023, 6:30 PM

The Murray City Planning Commission will hold a public meeting on Thursday, September 7th, 2023 at 6:30 p.m. in the Murray City Council Chambers, located at 10 East 4800 South to receive public comment on an application for a conditional use permit submitted by representatives of **Pine Roofing and Construction** to allow a roofing and general construction contractor's business at the property located at **4627 South Cherry Street**. Please see the attached plans.

The meeting is open and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

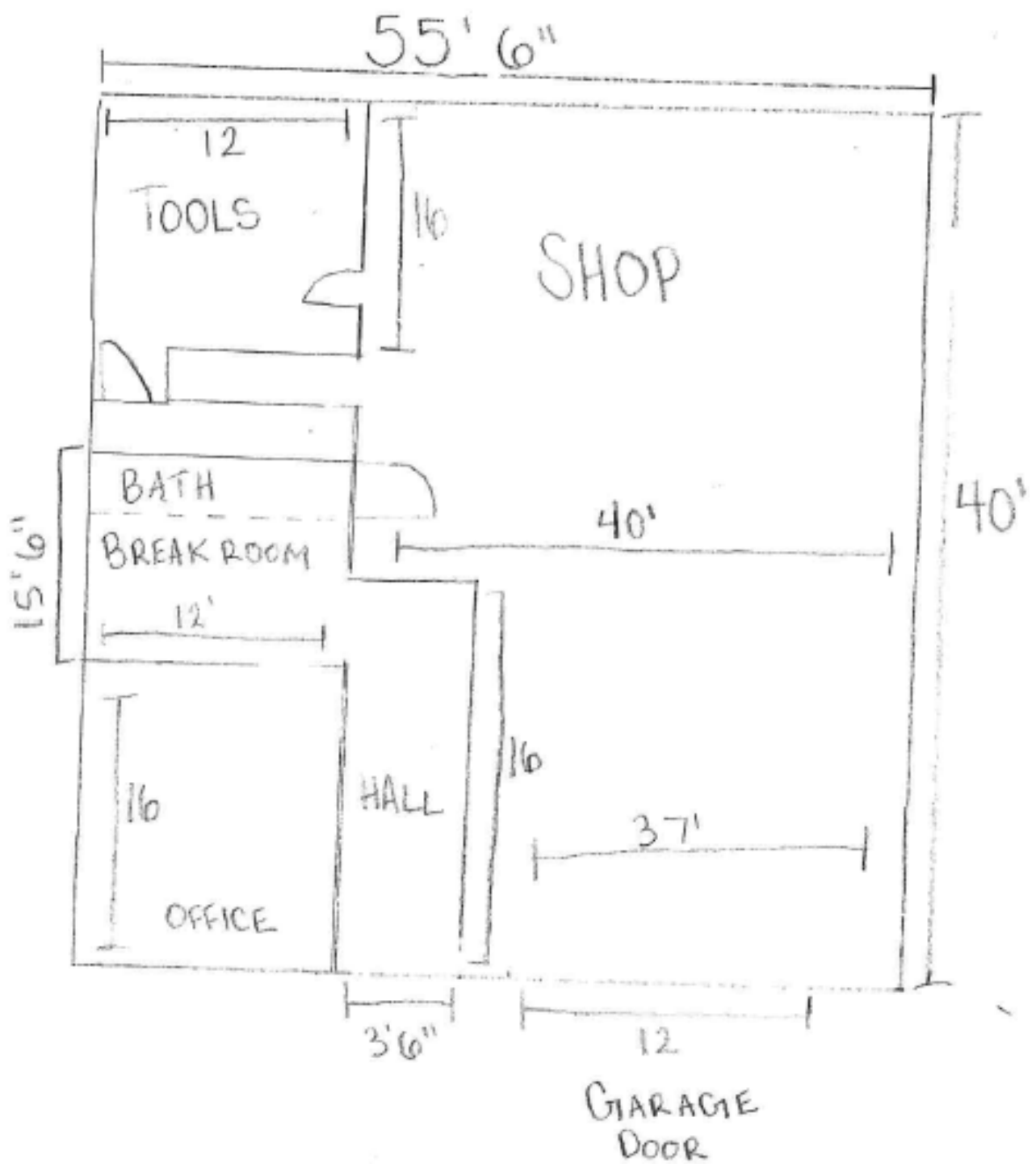
Comments are limited to 3 minutes or less, written comments will be read into the meeting record.



This notice is being sent to you because you own property within 300 feet of the subject properties. If you have questions or comments concerning this proposal, please call the Murray City Planning Division at 801-270-2430, or e-mail to planningcommission@murray.utah.gov.

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

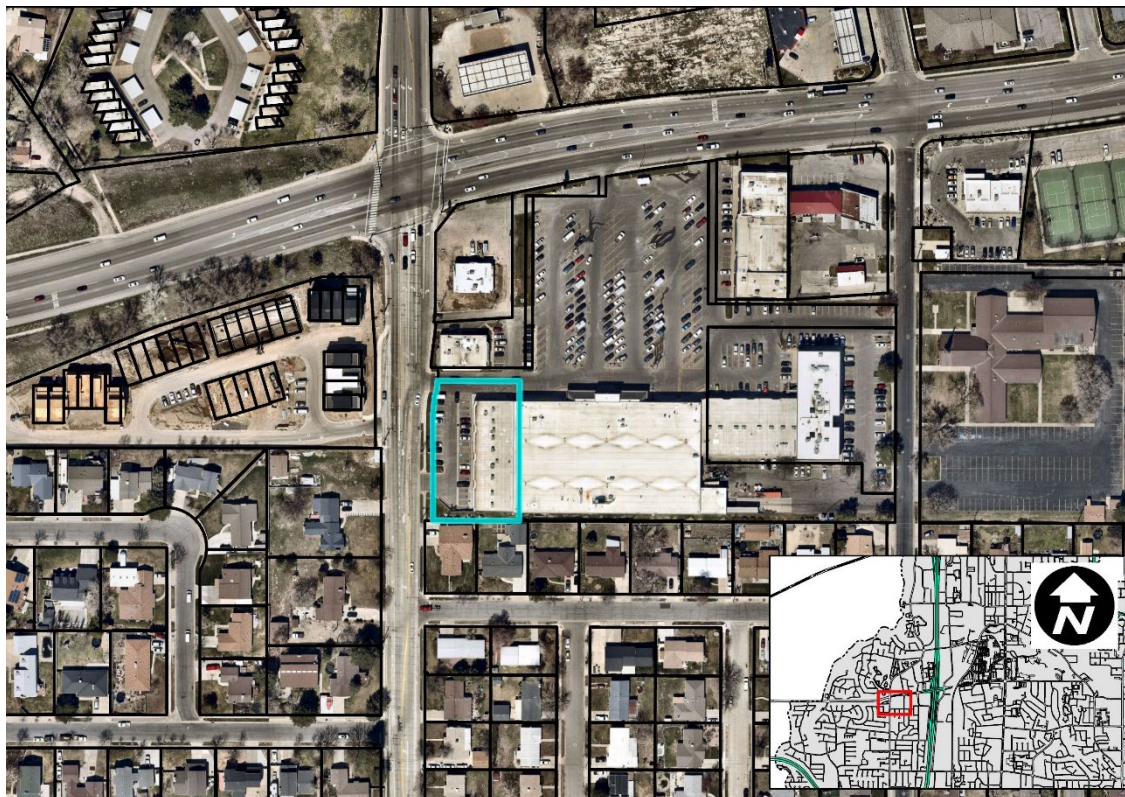
Public Notice Dated | August 24th, 2023





AGENDA ITEM # 7 - Stunning Dance Studio LLC

ITEM TYPE:	Conditional Use Permit to allow a Dance Studio		
ADDRESS:	687 West 5300 South	MEETING DATE:	September 7, 2022
APPLICANT:	Alicia Manica	STAFF:	Mustafa Al Janabi, Planner I
PARCEL ID:	21-13-101-019	PROJECT NUMBER:	PZ-23-090
ZONE:	C-D, Commercial Development Mixed Use District		
SIZE:	600 ft ² unit 27,442.8 ft ²		
REQUEST:	The applicant is requesting Conditional Use Permit approval to allow a Dance Studio within the C-D Zone on the property located at 687 West 5300 South.		



I. LAND USE ORDINANCE

Section 17.152.030 of the Murray Land Use Ordinance allows dance studios (LU #7396) within the C-D zoning district subject to Conditional Use Permit approval.

II. BACKGROUND

Project Location

The subject property is located within an existing commercial lot in the C-D zone. The unit faces 700 West and is just south of 5300 South.

Surrounding Land Use and Zoning

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Commercial Neighborhood	C-N
South	Residential	R-1-8
West	Residential	R-M-15
East	Commercial	C-D

Project Description

The applicant proposes to operate a dance studio at the property. The proposed location is surrounded by a variety of uses in a commercial zone, including a grocery store, gym, and rehabilitation clinic. All the proposed activity will take place inside the building. There are no plans to use the parking lot for any dance activity.

Operations

The proposed Studio will be private, limited to 3-5 students at a time. The applicant anticipates that the working hours will be in the evening (4:30 p.m.-9 p.m.), during the weekdays, while the studio will open on Saturday (9am-4:30pm). There would be 5 students per class. While maximum waiting would be 3 people.

Floorplans

No major structural changes are anticipated. Most of the floor space will be used for dance classes. There are two rooms and a bathroom. One room will be used as an office space for the applicant and the main area would be for the dance classes, while the other small room would be used for as a waiting room.

Access

The subject property has two (2) accesses from 700 West. The southern access is twenty-five (25) feet wide, and the northern access is twenty-eight feet (28) wide. The site can also be accessed from the Smith's parking lot. These access points allow full turning movements for ingress and egress purposes of the shopping center.

Parking

Tenants share a parking lot. There is a total of twenty-nine (29) parking spots. The stalls are located directly in front of the unit and across the drive aisle. The Transportation Engineer's Parking Generation Handbook recommends One (1) parking stall for every 200 square feet of gross floor area in dance training facilities. The proposed unit has 600 square feet of gross floor area. This would require Stunning Dance Studio LLC to provide three (3) parking stalls. Chapter 17.72.070 of the Murray City Land Use Ordinance requires 1 ADA parking spot for every 25 regular parking stalls. There is two ADA accessible spot, which complies with this requirement. Staff does not have any concerns with the parking at this location.

Landscaping

The subject property is in a building on a separate parcel from the rest of the shopping center. There is approximately one-hundred and seventy (170) feet of frontage along 700 West. Section 17.68 of the Murray Land Use Ordinance requires ten (10) feet of landscaping setback along the frontages, including a minimum of three (3) trees, five (5) 5-gallon shrubs, and ten (10) 1-gallon shrubs for every one hundred (100) linear feet of property frontage. Based upon this requirement, the applicant will be required to provide the following landscape materials in the front landscaping area as a condition of approval:

<i>700 West</i>	Existing	Required
Trees	3	5
5-gallon shrubs	0	9
1-gallon shrubs	0	17

A 10-foot landscape buffer area already exists on 700 West, the landscape is already set with 3 trees in the front of the property. The applicant and the property owner will be required to work with Planning Division Staff to submit a landscaping plan consistent with the requirements detailed above to meet Section 17.68 of the Murray City Land Use Ordinance.

III. LAND USE ORDINANCE STANDARDS REVIEW

Murray City Code Section 17.56.060 outlines the following standards of review for conditional uses.

- A. That the proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community and the neighborhood.**

With compliance to city regulations, the proposed use will provide a service that will contribute to the operations of a successful shopping center and will be a benefit to the larger neighborhood by ensuring that business' continued success.

- B. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of person residing or working in the vicinity, or injurious to property or improvements in the vicinity.**

With conditions, the proposed use will not be detrimental to the health, safety, or general welfare of people in the vicinity.

- C. That the proposed use will stress quality development with emphasis towards adequate buffering, landscaping, proper parking, and traffic circulation, use of appropriate gradation of building height away from single family districts and density to create privacy and compatibility with surrounding uses, use of building materials which are in harmony with the area, impact on schools, utilities, and streets.**

With conditions, the proposed use will integrate well into the area. Staff is anticipating very little impact on the surrounding area because the applicant only expects approximately 5 people in the studio in the peak hours of operation.

- D. That the applicant may be required to provide such reports and studies which will provide information relating to adequate utilities, traffic impacts, school impacts, soil and water target studies, engineering reports, financing availability, market considerations, neighborhood support and any other information which may be needed in order to render a proper decision.**

Murray City Planning Division Staff has determined that the applicant has submitted sufficient information for an adequate review of this Conditional Use Permit application by Murray City Staff and the Murray City Planning Commission. Additional materials may be required after the Planning Commission's review or as stated in the Staff Report.

IV. CITY DEPARTMENT REVIEW

The application materials for the dance studio were made available to Murray City department staff for review and comment on August 22nd, 2023. Reviewing personnel included Engineering Division, Water, Sewer, Power, and Fire Departments recommended approval without conditions or concerns.

V. PUBLIC INPUT

Twenty-six (26) notices of the public meeting were sent to all property owners for parcels located within 300 feet of the subject property. As of the date of this report, Staff has not received any public comments.

VI. FINDINGS

Based on the analysis of the Conditional Use Permit application to allow a dance studio, Staff concludes the following:

1. The proposed use for a Dance Studio (LU #7396), is allowed in the C-D Zoning District subject to Conditional Use Permit approval.

2. With conditions as outlined in the staff report, the proposed use and property will comply with the standards of the Murray City Land Use Ordinance.
3. The proposed use is not contrary to the goals and objectives of the Murray City General Plan in this area.

VII. CONCLUSION/RECOMMENDATION

Based on the information presented in this report, application materials submitted and a site review, staff recommends that the **Planning Commission APPROVE a Conditional Use Permit to allow a dance studio on the property addressed 687 West 5300 South**, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. The applicant shall obtain a building permit for any interior or exterior construction on the property.
3. The applicant shall obtain permits for any new attached or detached signs proposed for the business.
4. The applicant or property owner shall work with staff to update the landscaping to meet the standards within Chapter 17.68 Landscape Requirements.
5. The applicant shall apply for a Murray City Business License prior to beginning operations at this location.

Project # P2-23-090

.0

CONDITIONAL USE PERMIT APPLICATION

Type of Application (check all that apply):

- ☐ New Construction ☒ Land use change ☐ Remodel ☐ Addition
☐ CUP Amendment

Subject Property Address: 687 W 5300 S Murray UT, 84123

Parcel Identification (Sidwell)
Number: _____

Parcel Area: _____ Current Use: was used to sell sports drinks

Floor Area: _____ Zoning Classification: _____ LU# _____

Applicant

Name: Alicia Manica

Mailing

Address: 3810 S Redwood Rd #1163

City, State,

ZIP: West Valley, UT, 84119

Daytime Phone #: 413-475-4641 Fax #: N/A

Email Address: Admin@stunningdancestudio.com

Business or Project Name: Stunning Dance Studio LLC

Property Owner's Name (If different): PC Riverview, LLC

Property Owner's Mailing Address: PC Riverview, LLC c/o Management Services

City, State, Zip: 20 West Century Parkway Salt Lake City, Utah 84115

Daytime Phone #: 801-466-3361 Fax #: 801-746-3447

Email address: mgsv@smartmanagement.org

Describe your request in detail (use additional page if necessary): I would

like to use the space as a dance studio. I don't

plan to make any changes to the structure of the building
There is an average of 3-5 students at one time. With the use of 2-3 parking spots.

Project # P2-23-090

Authorized Signature: _____ Date: _____

Property Owners Affidavit

I (we) PC Riverview, L.L.C., being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application; that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

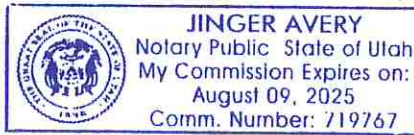
L.A. Miller
Owner's Signature

State of Utah

County of Salt Lake

§

Owner's Signature (co-owner if any)



Subscribed and sworn to before me this 11 day of August, 2023.

Residing in Salt Lake My commission expires: 08/09/2025

Agent Authorization

I (we), PC Riverview, L.L.C., the owner(s) of the real property located at 687 West 5300 South, in Murray City, Utah, do hereby appoint

Alicia Manica, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize

Alicia Manica to appear on my (our) behalf before any City board or commission considering this application.

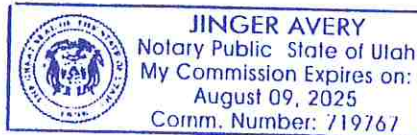
L.A. Miller
Owner's Signature

State of Utah

County of Salt Lake

§

Owner's Signature (co-owner if any)



On the 11 day of August, 2023, personally appeared before me L.A. Miller the signer(s) of the above Agent Authorization who duly acknowledge to me that they executed the same.

Public Services Building

Jinger Avery
Notary public
10 East 4800 South

Murray, Utah 84107

Murray City Corporation
Community & Economic Development
10 East 4800 South
Murray, UT 84107
Welcome

08/16/2023 10:25AM Mustafa A
018577-0001

PERMITS / INSPECTIONS

STUNNING DANCE STUDIO LLC

Conditional Use Permit

- REVIEW

2023 Item: PZ-23-090|2015 300.00

300.00

Subtotal 300.00

Total 300.00

CHECK 300.00

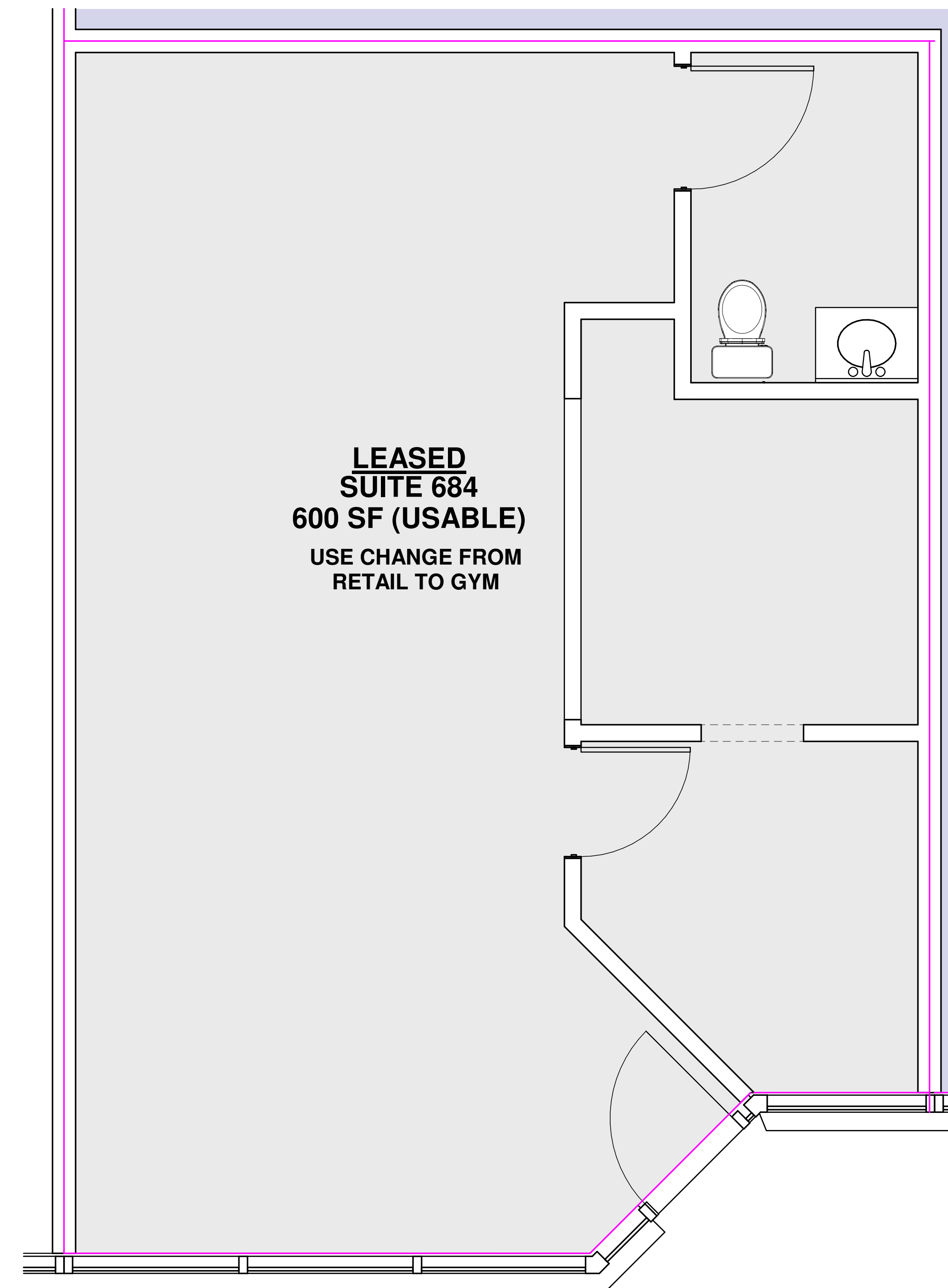
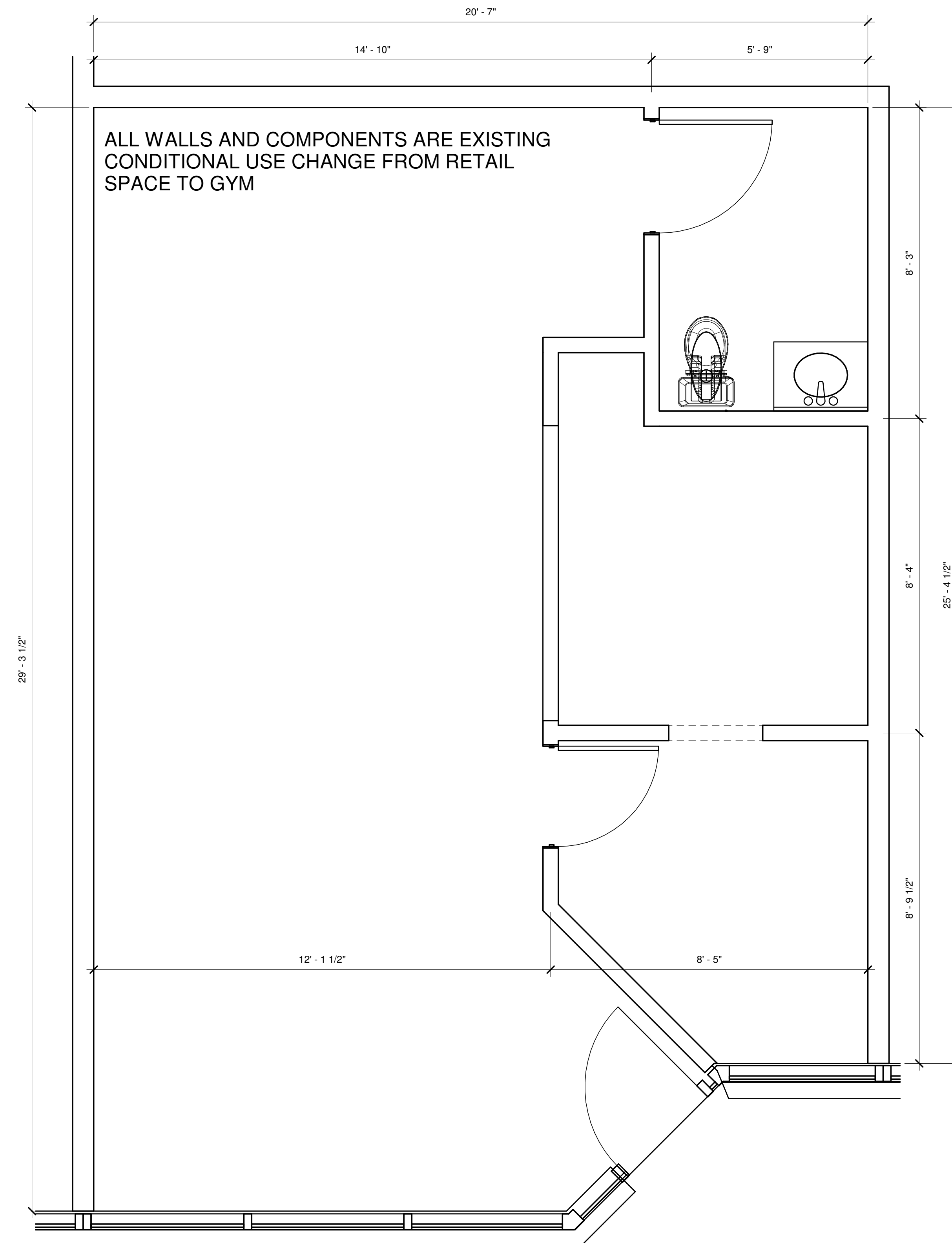
Check Number 280

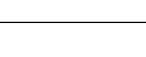
Change due 0.00

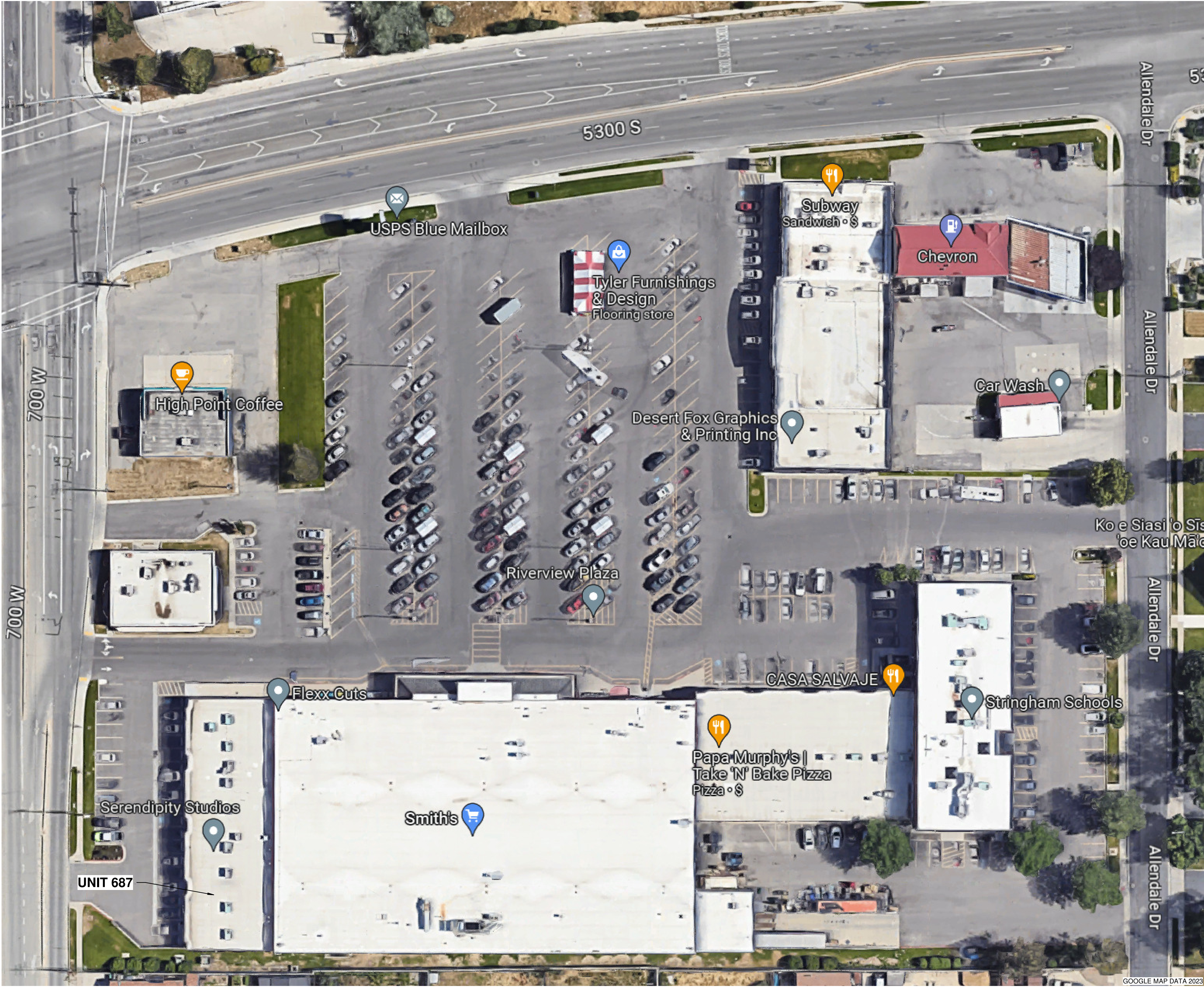
Paid by: STUNNING DANCE STUDIO LLC

Thank you for your payment

CUSTOMER COPY



REV BY:	PREP BY:		SCALE: 1/2" = 1'-0"
LO	REM		RIVERVIEW PLAZA 687 W 5300 S, MURRAY CITY UT. 84123
DATE:	ISSUE DATE:		EXISTING USE CHANGE UNIT 687 FLOOR PLAN
08/07/2023	08/07/2023		SHEET NO. 02-02 103
625 WEST 5300 SOUTH SUITE G MURRAY, UTAH, 84123 #: EMAIL: IPS@IPS9.NET			VER A



NOTES:
NO CHANGES TO SITE OR EXTERIOR OF BUILDING AND FACADE
CONDITIONAL USE CHANGE FOR UNIT 687 FROM RETAIL TO GYM

32-02 001 - SITE

PREP BY:		SCALE: 1/32" = 1'-0"	
REV BY:		RIVERVIEW PLAZA	
LC		687 W 5300 S, MURRAY CITY UT. 84123	
MEM		EXISTING USE CHANGE UNIT 687 SITE	
DATE: 08/07/2023		N 	
DATE: 07/20/23 - 12:46 PM		SHEET NO.	
625 WEST 5300 SOUTH SUITE G MURRAY, UTAH, 84123 #: - EMAIL: IPS@IPS9.NET		32-02 001	
		VER A	

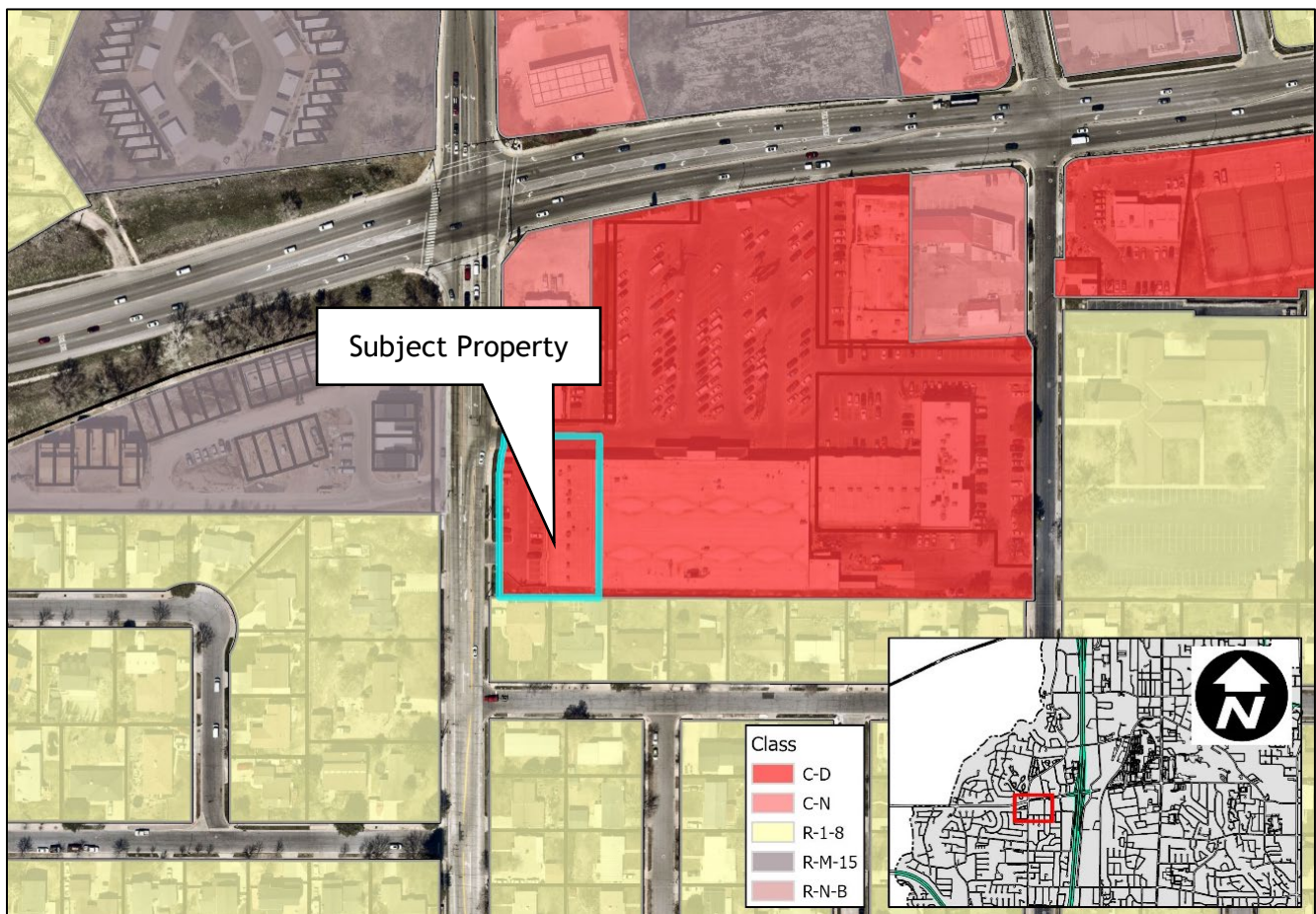


NOTICE OF PUBLIC MEETING

September 7th, 2023, 6:30 PM

The Murray City Planning Commission will hold a public meeting on Thursday, September 7th, 2023 at 6:30 p.m. in the Murray City Municipal Council Chambers, located at 10 East 4800 South to receive public comment on an application for a conditional use permit submitted by representatives of **Stunning Dance Studio LLC** to allow a Dancing Studio, at the property located at **687 West 5300 South**. Please see the attached plans. The meeting is open and the public is welcome to attend in person or you may submit comments via email at planningcommission@murray.utah.gov. If you would like to view the meeting online, you may watch via livestream at www.murraycitylive.com or www.facebook.com/MurrayCityUtah/.

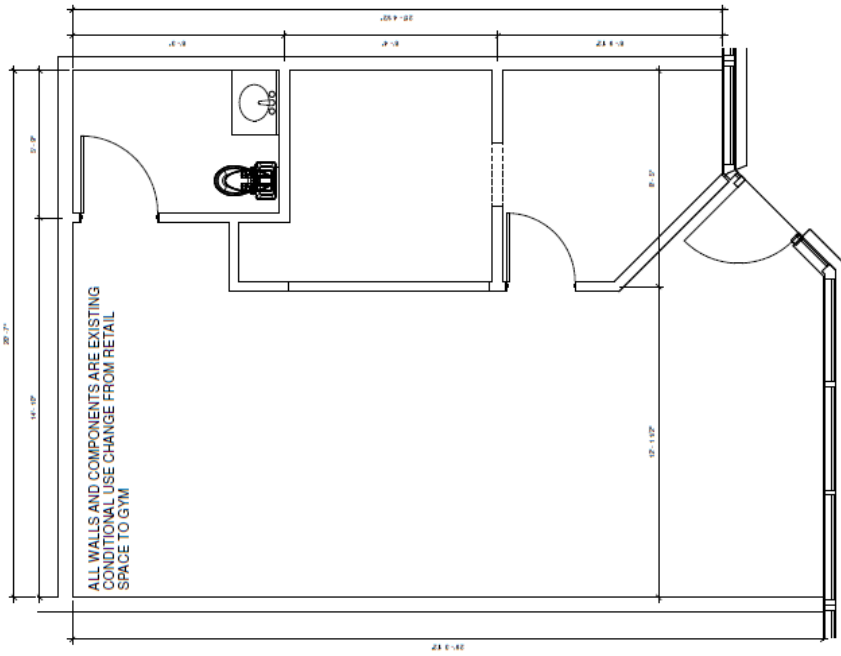
Comments are limited to 3 minutes or less, written comments will be read into the meeting record.



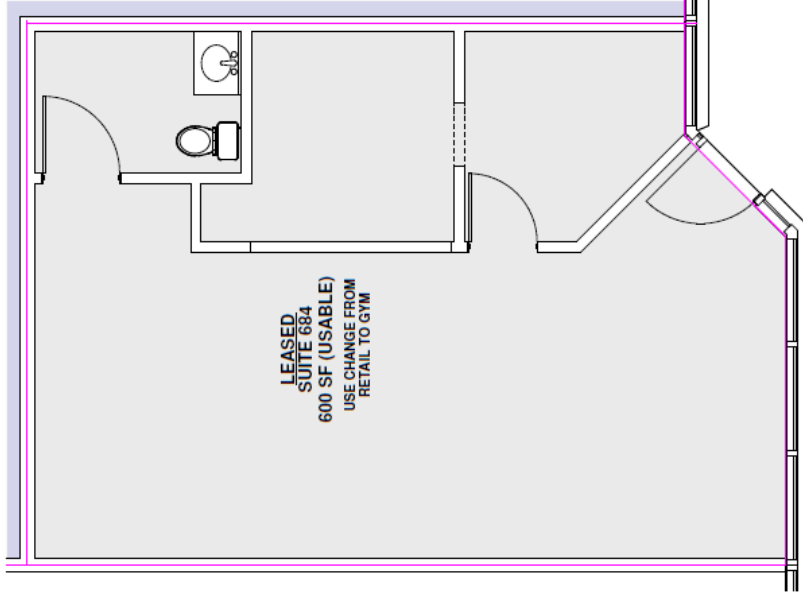
This notice is being sent to you because you own property within 300 feet of the subject property. If you have questions or comments concerning this proposal, please call the Murray City Planning Division at 801-270-2430, or e-mail to planningcommission@murray.utah.gov.

Special accommodations for the hearing or visually impaired will be upon a request to the office of the Murray City Recorder (801-264-2660). We would appreciate notification two working days prior to the meeting. TTY is Relay Utah at #711.

Public Notice Dated | August 21, 2023



02-02 103 - EXISTING FLOOR PLAN



02-02 103 - EXISTING SQUARE FOOTAGE

		SCALE: 1/2" = 1'-0" RIVERVIEW PLAZA 607 W 5300 S MURRAY CITY UT 84123 EXISTING USE CHANGE UNIT 687 FLOOR PLAN
PROJECT NO. 02-02 103	SHEET NO. 02-02 103	DATE 02/07/2018
DESIGNED BY J. L. HARRIS	CHECKED BY J. L. HARRIS	APPROVED BY J. L. HARRIS