

Minutes of the Planning Commission meeting held on Thursday, May 16, 2024, at 6:30 p.m. in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

A recording of this meeting is available for viewing at <http://www.murray.utah.gov> or in the Community and Economic Development office located at 10 East 4800 South, Suite 260.

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 was able to submit comments via email at planningcommission@murray.utah.gov.

Present: Ned Hacker, Vice Chair
 Michael Henrie
 Pete Hristou
 Lisa Milkavich
 Jake Pehrson
 Michael Richards
 Zachary Smallwood, Planning Division Manager
 Mustafa Al Janabi, Planner I
 Mark Richardson, Deputy Attorney
 Members of the Public (per sign-in sheet)

Excused: Maren Patterson, 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.

CALL MEETING TO ORDER

Vice Chair Hacker called the meeting to order at 6:30 p.m.

BUSINESS ITEMS

APPROVAL OF MINUTES

Commissioner Milkavich made a motion to approve the minutes for April 4, 2024, with comments made during the preplanning meeting.

Seconded by Commissioner Richards. A voice vote was made with all in favor.

CONFLICT(S) OF INTEREST

There were no conflicts of interest for this meeting.

FINDINGS OF FACT

Commissioner Pehrson made a motion that the Planning Commission approve the findings of facts and conclusions for Apollo Marble & Granite.

Seconded by Commissioner Henrie. A voice vote was taken, with all in favor.

NEW BUSINESS

Jason Hindman - Fence Height Exception Request

Zachary Smallwood presented the request for a fence height exception at the property addressed at 6010 South Afton Avenue, located in the R-1-8 zone. Mr. Smallwood said that Mr. Hindman is requesting to increase his fence height from six feet (6') to eight feet (8'). City zoning code 17.64.090(D) does allow for the Planning Commission to grant additional fence height for buffer fencing between commercial and residential zoning districts to a maximum of eight feet. Mr. Smallwood stated that planning staff don't currently have a mechanism to bring this kind of request to the Planning Commission. The City Attorney's office recommended proceeding with a text amendment to allow residents to go up to eight feet when adjacent to a commercial zoning. The process for the text amendment to be approved could take time. For this application, the City Attorney's office suggested to process it as a new business item. Staff are recommending that the Planning Commission approve Mr. Hindman's request for a rear-yard fence height exception up to eight feet for the property located at 6010 South Afton Avenue, as allowed in code 17.64.090(D) for fence height exceptions.

Mr. Smallwood and the commissioners discussed what formal paperwork should be required for the Planning Commission to sign off on the request. Mr. Smallwood said he would discuss that with the City Attorney.

Commissioner Hristou made a motion that the Planning Commission approve Mr. Jason Hindman's request for a rear-yard fence height exception up to eight feet for the property located at 6010 South Afton Avenue, as allowed in section 17.64.090(D) Fence Height Exceptions.

Commissioner Milkavich seconded. Roll call vote:

A Hacker
A Milkavich
A Henrie
A Hristou
A Pehrson
A Richards

Motion passes: 6-0

SUBDIVISION REVIEW(S) - ADMINISTRATIVE ACTION

Pontiac Subdivision Amended & Extended - 864, 872, 874, 875, 878, and 887 East Arrowhead Lane

Vacating Arrowhead Lane Condominiums Amended & Amending and Extending the Pontiac Subdivision - Project # 24-052

John Morris was present to represent this request. Mr. Smallwood presented the application requesting approval to vacate the Arrowhead Lane Condominiums as well as amend and extend the Pontiac Subdivision. He showed a map of the properties and existing plat, which are located in the G-O, General Office zone, as well as the boundaries after the subdivision amendment. He said that the condominium subdivision will be removed and vacated. Two lots will remain, under the ownership of UEA (Utah Education Association) and Valcom Properties. He said that the property already meets the requirements of the G-O zone. This request is a legal requirement to change the ownership and property boundaries. Staff recommends approval of the property amendment and extension.

Commissioner Henrie asked Mr. Smallwood about the underground power line. He wanted to know if that will affect the power easement.

Mr. Smallwood said there is not an easement where the power line is currently. The power connects to the building. It isn't part of this application, however.

Commissioner Milkavich asked where the engineering and county comments are located for the applicant to review.

Mr. Smallwood said those are on the city website but will also be provided directly to applicant as part of the review. The applicant will then be required to address each comment.

John Morris, representing UEA, approached the podium. Vice Chair Hacker asked if he had reviewed and can comply with the conditions. He said that he could.

Vice Chair Hacker opened the public comment for this agenda item.

Glen Bancroft asked for clarification on the purpose of the application. He said that they've gone through two phases already and is trying to understand this phase. He asked if there would be construction involved and new buildings.

Mr. Smallwood said they don't have an application for any new buildings or construction at this time. The purpose of this request is to clean up property lines that were previously held by multiple property owners. Eventually UEA may come back and submit an application for site improvements and parking improvements.

Vice Chair Hacker closed the public comment period for this agenda item.

Commissioner Hristou made a motion that the Planning Commission grant approval to vacate the Arrowhead Lane Condominium amended subdivision and to amend and extend the Pontiac Subdivision on the properties located at 864, 872, 874, 875, 878, and 887 East Arrowhead Lane, subject to the following conditions.

1. The project shall meet Murray City Engineering requirements including the following:
 - a) Meet City Subdivision requirements and standards for an amended plat – City Code Title 16.

- b) Address all engineering and Salt Lake County review comments prior to printing the plat to mylar.
- c) Develop and provide required documents for vacating the Arrowhead Lane Condominiums.
- d) The plat will not convey ownership, conveyance deeds will need to be recorded with the plat.
- 2. Meet all Wastewater requirements including the following:
 - a) Separate Murray Water and Wastewater as each should be their own signature box.
- 3. The applicant shall work with the Power Department regarding any potential changes to power service to both properties.
- 4. The project shall meet all requirements of the Murray City Land Use Ordinance.
- 5. The applicant shall prepare a Final 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 subdivision plat approval shall be null and void.

Commissioner Henrie seconded. Roll call vote:

A Hacker
A Milkavich
A Henrie
A Hristou
A Pehrson
A Richards

Motion passes: 6-0

DISCUSSION ITEMS

Planning Commission Policies, Procedures, and Protocols Review Review and Recommendations for an Update to the Policies, Procedures, and Protocols

Mr. Smallwood presented training about the policies, procedures, and protocols of the Planning Commission. He said this guide is meant to help commissioners in their roles. He directed the commissioners to the guide provided in the packet.

He discussed the protocol for meeting adjournment, stating that it does not require a second or a vote. He also said that, when a commissioner votes, “no” on an application, they are permitted to provide an explanation as to why.

Vice Chair Hacker requested that he’d like to have Mr. Smallwood add a section with information about each commissioner, such as the district they represent.

Mr. Smallwood and the commissioners had a discussion regarding the section stating, “provided by law.” They agreed that the correct verbiage should be “Provided by the Open Public Meetings Act” under the administrative section.

Mr. Smallwood, the commissioners, Mark Richardson (the city deputy attorney) had a discussion regarding findings of fact presented during a meeting. Ideally, the findings of fact for a given agenda

item are supposed to be presented during the same meeting as the agenda item is presented, not the following meeting. They discussed keeping the procedure as it is.

A discussion was had regarding the procedure when both the chair and vice chair absent. They determined that a procedure should be added.

The commissioners and Mr. Smallwood discussed the policy regarding the chair not being able to succeed themselves in office. They discussed that the policy wasn't clear regarding the office of vice chair, but that they'd prefer to have both positions have the same policy.

The commissioners discussed the amount of time for the premeeting and what should be discussed during that meeting. They decided that the bulk of the discussion regarding agenda items should take place openly in the planning commission meeting. Discussion items can include such things as typos in minutes or questions about roles as a commissioner. They agreed that the amount of time allowed for the premeeting is generally appropriate. On rare occasions, the chair may call for a longer premeeting.

The commissioners and Mr. Smallwood discussed the procedure for meetings with a large number of agenda items when approaching the end of the meeting with some items not having been presented. Mr. Smallwood informed them that they are required to hear items until 10 p.m. At which time, they must finish hearing the agenda item that's being presented and then may conclude the meeting. A motion can be made to table the additional items until the next meeting. They may choose to go past 10 p.m. if a unanimous vote is passed.

Mr. Smallwood and the commissioners discussed changing the order of business in a meeting. A vote isn't required, but they agreed that it is a good idea.

A discussion was had regarding voting an application down. They agreed to remove the section stating that the commissioners need to read the appeal process during the meeting. They said that the application will receive a letter of denial with information on how to appeal.

Commissioner Pehrson asked Mr. Smallwood to specify which types of votes are roll call versus verbal majority, stating the verbal majority vote could be used more often to save time.

The commissioners and Mr. Smallwood had a discussion about following Robert's Rules and how strictly to follow those. They agreed to keeping the term to "generally" follow in the procedures. Then they don't have to adhere strictly to those rules for meetings.

A discussion was had regarding the wording on record keeping of the minutes. The commissioners agreed that it wasn't necessary to explicitly state where the minutes would be kept or for how long. They agreed that keeping the wording more general and stating that the minutes are kept in accordance with state law was appropriate.

A discussion was had regarding the planning commission not accepting public information at a meeting. Mr. Smallwood said he'll review this requirement with Mr. Richardson, he feels it's inconsistent to allow residents to make a public comment at a meeting, but if they provide their comment in writing it needs to be submitted in advance. He wondered if allowing staff to review written submissions during the meeting would be acceptable.

The commissioners had a discussion about the inconsistencies regarding the formatting of the guide. Mr. Smallwood said that he'd clean that up. That includes removing sections that don't apply to the way the planning commission conducts business, as well as redundant sections. They agreed that the guide needs to be written in a way that commissioners can follow procedures accurately. Staff will begin working on a new draft of procedures for commissioners to review.

ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Thursday, June 6, 2024, at 6:30 p.m. MST in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

ADJOURNMENT

Commissioner Richards made a motion to adjourn the meeting at 7:40 p.m.

A handwritten signature in black ink, reading "Philip J. Markham", with a long horizontal flourish extending to the right.

Philip J. Markham, Director
Community & Economic Development Department