

Minutes of the Planning Commission meeting held on Thursday, July 18, 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
 Lisa Milkavich
 Jake Pehrson
 Michael Henrie
 Zachary Smallwood, Planning Division Manager
 David Rodgers, Senior Planner
 Mustafa Al Janabi, Planner I
 Mark Richardson, Deputy Attorney
 Members of the Public (per sign-in sheet)

Excused: Maren Patterson, Chair
 Michael Richards
 Pete Hristou

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 6:34 p.m.

BUSINESS ITEMS

APPROVAL OF MINUTES

Commissioner Milkavich made a motion to approve the minutes for June 6th, 2024.

Seconded by Commissioner Henrie. 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 Planning Commission approve the findings of fact and conclusions for RC Automotive and Ereksen State Farm.

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

CONDITIONAL USE PERMIT(S) - ADMINISTRATIVE ACTION

NA Auto - 4195 South 500 West #18 - Auto Sales Business - Project # 24-074

Hala Abdulhadi was present to represent this request. Mustafa Al Janabi presented the application for a conditional use permit for an automotive sales business in the M-G zone. He showed the site plan with pictures of the lot. He provided details regarding the lot size. He discussed the layout of the shop. He said that the parking provided by the application exceeds the requirements. Staff recommends approval of this application.

Hala Abdulhadi approached the podium. Vice Chair Hacker asked if she had read and could comply with the conditions. She said yes.

Commissioner Milkavich asked for clarification on which unit was included in the business. The applicant said it's units 17 and 18.

Staff and commissioners had a discussion regarding the ADA parking space. There is currently no ADA parking space designated. A condition will be added stating that the property owner will need to work with staff to locate a dedicated ADA space for the building.

Vice Chair Hacker opened the public comment period for this agenda item. Seeing none, the public comment period was closed.

Commissioner Pehrson made a motion that the Planning Commission approve a conditional use permit to allow an auto sales business at the property addressed 4195 South 500 West Unit #18, subject to the following conditions, with an additional condition that the applicant and property owner will work with staff to determine and appropriate location for an ADA space:

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.
4. The applicant shall maintain clear, appropriate vehicular access to the overhead doors on the building at all times. The applicant shall maintain a Utah Motor Vehicle

Seconded by Commissioner Henrie. Roll call vote:

A Hacker
A Milkavich
A Henrie
A Pehrson

Motion passes: 4-0

Secured Auto - 4285 South State Street - Auto Services Building and Use - Project # 24-051

Eli and Joe Watson, and Barr Carlisle were present to represent the request. Mustafa Al Janabi presented the application for site plan review and a conditional use permit to construct a building for an auto service business in the C-D zone. He presented the site plan showing the floor plan of the shop. He described the size and layout of the business, including the location of bays and restrooms. He showed the access areas on a map, as well as the location of parking spaces. He indicated that the business exceeds the requirement for parking spaces. He said that the applicant has exceeded the landscaping requirements. He described the details of the floor plan and shared access with other tenants. Staff recommends the approval of this application.

Commissioner Milkavich asked for clarification on the number of bays. Mr. Al Janabi said there are eight.

Joe Watson approached the podium. He asked for clarification on the condition related to the dumpsters. Mr. Smallwood said, if there are going to be shared dumpsters, they need to make sure that they provide the details of that arrangement they have with other business and that they'll comply, as part of the conditions.

Mr. Watson asked about the fence. He said they've been collaborating with an adjacent neighbor about the fence. Mr. Watson would like to request a six-foot concrete retaining wall, with a six-foot chain link fence on top of that, due to the slope on that side of the property.

Mr. Watson and the commissioners had a discussion regarding his fencing request. The commissioners expressed concerns that the chain link fence would not provide enough privacy for the neighbors below. Mr. Watson said the fence would have privacy panels.

Mr. Smallwood said that the Planning Commission does not have the authority to alter the fence requirements. The code requires a six-foot solid masonry wall. The commission could grant two additional feet as an exception. The applicant would need to request a variance to do what they've suggested. He said he can address this with Mr. Watson outside of this meeting.

Mr. Smallwood and the commissioners discussed the fence in more detail. The condition for the allowance of an eight-foot masonry fence can still be included for approval, because it is not a requirement but if the applicant wants to add the additional height they may do so.

Vice Chair Hacker asked Mr. Watson if he's read and can comply with the condition. He said he has read them and he can comply.

Vice Chair Hacker opened the public comment period for this agenda item. Seeing none, the public comment period was closed.

Commissioner Henrie made a motion that the planning commission approve the site plan and conditional use permit to allow the construction and operation of an automobile repair and service business at the property addressed 4285 South State Street, subject to the following conditions:

1. The applicant shall meet all requirements of the Engineering Department including:

- a) Meet City storm drainage and LID requirements, on-site detention / retention is required – City Code Chapter 13.52.050. Provide a site drainage and LID report.
 - b) Maintain all drainage on site.
 - c) Provide water quality treatment and cleanout for stormwater discharge to the retention system – City Code 13.52.050.
 - d) Obtain a City building permit for the proposed retaining wall along the east property line to address the 10-foot grade difference between properties – City Code 17.04.080. Coordinate any fence and tree removals along the property line with adjacent property owners.
 - e) Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning site construction work - City Code Chapter 13.52.030.
 - f) Obtain a City Excavation Permit for work in the City right-of-way City - Code Chapter 12.16.020.
2. The applicant shall meet all requirements of the Murray City Power Department.
 3. The applicant shall meet all Murray City Fire Department requirements.
 4. The applicant shall meet all Murray City Water requirements.
 5. The applicant shall obtain approval from Cottonwood Improvement District as stated in Murray wastewater review.
 6. The applicant shall meet all requirements of the C-D Commercial Development, Section 17.160.
 7. The applicant shall meet all landscaping requirements in Section 17.68.
 8. At building permit submittal, the applicant shall provide details on the dumpster enclosure, ensuring it meets the standards in Section 17.76.170.
 9. The applicant shall construct a minimum of six foot (6') and up to a maximum of eight foot (8') high solid masonry fence along the east property line.
 10. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
 11. The applicant shall apply for applicable building permits for the building and any proposed signage.

Seconded by Commissioner Pehrson. Roll call vote:

A Hacker
A Milkavich
A Henrie
A Pehrson

Motion passes: 4-0

GENERAL PLAN / ZONE MAP AMENDMENT

Andrew Allman Rezone – 323 E Winchester St - Zone Map Amendment from R-1-8, Low Density Single Family to R-N-B, Residential Neighborhood Business - Project # 24-064

Andrew Allman was present to represent the request. David Rodgers presented this application. The applicant is requesting a zone map amendment of a parcel that currently has a single-family home from the R-1-8 low-density residential zone to the R-N-B residential neighborhood business zone. This zone change is to facilitate future development at the site that allows for land uses that are comparable to several other adjacent parcels in the area. Along with that, this zone change will bring

the parcel zoning in line with the Future Land Use map from the Murray City General Plan. He showed a map of the current zoning, as well as the Future Land Use map. He outlined the differences and similarities between the two zones. He said that notices were sent out to residents and afflicted entities within 300 feet of the property. Staff received two phone calls and an email. One of the calls was to ask clarifying questions about the zone change, and the other was to voice opposition to this change. He stated the staff findings and ways to manage the impacts of the zone change. Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested zone map amendment.

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

Karen Thorne approached the podium and asked for clarification on what was being proposed. Vice Chair Hacker said staff would do so after public comments.

Mr. Rodgers read the email that Ms. Thorne sent. She said she doesn't want a parking lot at the entrance to our neighborhood. She's upset that they already have a power plant within view and a parking lot would further reduce the aesthetic. She doesn't not want to see the old growth trees removed to put this parking lot in and doesn't feel this is in keeping with the Murray motto of "Tree City." She wants to know where the green space will be and what is the landscaping plan.

Vice Chair Hacker closed the public comment period. He asked planning staff to address the land uses for this zone.

Mr. Rodgers discussed what was being proposed and provided details on the difference between the zones. He showed the two zones on the map. He discussed the General Plan and the Future Land Use map. He said the proposed change would bring the zone into harmony with the city's General Plan. He discussed the permitted and conditional uses each zone. He discussed features such as aesthetics, setbacks, buffering and the types of businesses that would be permitted.

The commissioners and Mr. Smallwood had a discussion regarding tree buffers. Mr. Smallwood said that a requirement for this property to have a tree buffer can be decided at a later date. He said this request is only to address the zoning and not for a specific application.

Ms. Thorne asked what the space will be used for. Vice Chair Hacker said this request is for a zone change and does not address a specific use at this point.

Commissioner Pehrson made a motion that the Planning Commission forward a recommendation of approval to the City Council for the requested amendment to the Zoning Map designation of the property located at 323 East Winchester from R-1-8, Single Family Low Density to R-N-B, Residential Neighborhood Business as described in the Staff Report.

Seconded by Commissioner Milkavich. Roll call vote:

A Hacker
A Milkavich
A Henrie
A Pehrson

Motion passes: 4-0

LAND USE TEXT ORDINANCE AMENDMENT(S)

Chapter 17.78 Accessory Dwelling Units Amendments 1 of 2 - Staff Sponsored Text Amendment Regarding Detached ADUs - Project # 24-076

Zachary Smallwood presented this agenda item. Planning Division Staff propose amendments to the language in the ADU ordinance, chapter 17.78 Accessory Dwelling Units(ADUs). The request addresses changes to the detached accessory dwelling unit standards. He outlined the portions of the ordinance that are proposed for changes.

The commissioners and Mr. Smallwood had a discussion about the proposed changes to language regarding the setbacks and lot sizes. They decided that, if the Planning Commission moves forward with a recommendation to the City Council, staff will add the language for a requirement to meet the corner side setback of 20 feet.

The commissioners and Mr. Smallwood discussed the requirement of ADU's to match the architectural style, materials, and colors. They felt that requirement was prohibitive. They agreed the language could be changed to require the materials to be compatible, but that they don't need to match. The commissioners expressed concerns regarding the type of structure that would be built. They wanted to make sure that the language ensures a viable structure is built. Mr. Smallwood said that the ADU still has to meet city building codes.

Vice Chair Hacker and Mr. Smallwood had a discussion about the language regarding short-term rentals. Mr. Smallwood said that the issue of short-term rentals is up for a vote with the City Council in the near future. They agreed to keep the language regarding 30-day rentals for the time being.

Commissioner Henrie made a motion to table this agenda item until the language was revised. Seeing no second, the motion failed.

Vice Chair Hacker opened up the agenda item for public comment period. Seeing none, the public comment period was closed.

The commissioners had a discussion on whether to make the changes at the meeting or have staff bring back the item with their direction. It was discussed that it would be a good opportunity for the remaining commissioners to have input on the item as well.

Commissioner Henrie made a motion to table the agenda item until staff modifies the language in the ordinance for side yard setbacks and short-term rentals.

Seconded by Commissioner Milkavich. Roll call vote:

A Hacker
A Milkavich
A Henrie
N Pehrson

Motion passes: 3-1

DISCUSSION ITEM(S)

Form Based Code Discussion

Zachary Smallwood presented this agenda item. He introduced Mark Morris from VODA Landscape and Design, the firm who will be consulting on the form-based code.

Mr. Morris said he's been working with planning staff and a small committee in the process of developing a form-based code for the city center area. He described his previous experience with developing form-based codes for other cities. He said he'd introduce the project and address some frequently asked questions. He described the differences between form-based code and traditional land use code. He discussed the benefits of form-based code for property owners. He provided a brief history of form-based code. He addressed the focus and intent of form-based code. He described in detail what a form-based code is, and isn't, as well as how it's applied. He showed illustrations of form-based codes that had been implemented in other cities. He discussed how the form-based code applied to Murray's city center and how the code supports the goals of the strategic plan.

Commissioner Henrie and Mr. Smallwood discussed that form-based code does not inform architectural style. Commissioner Henrie expressed concern for the aesthetic of the city center.

Mr. Morris explained that a function of form-based code is to create cohesiveness through the use of consistent features.

Mr. Pehrson asked if the form-based code is meant to replace most of the existing MCCD zone. Mr. Morris said that's correct. Mr. Smallwood said there would be small boundary adjustments. They will look at the key initiatives of the General Plan and make sure that the code supports those. Mr. Morris showed a map of the proposed city center district boundaries. He defined zone districts and said that the city center district will have subdistricts. The code will include new development that complements the existing historic structures. He discussed the use of prototypes to demonstrate how the code would be implemented. He defined various terminology that applies to form-based code. He discussed appropriate land use for form-based code.

Commissioner Henrie and Mr. Smallwood had discussion about how form-based code would affect the concept of permitted, conditional and prohibited uses. The form-based code aims to streamline those concepts.

Commissioner Pehrson asked why the Arlington is not included in the form-based code. Mr. Rodgers said that the development agreement was already in place before these discussions began and that it would be prohibitive to require them to adhere to it at this point. The Arlington may end up remaining in the MCCD until it's entitled and then change it to a different zone. A recommendation will be presented to the Planning Commission at a later date.

Mr. Smallwood said he picked commissioners and board members randomly to participate in the form-based code steering committee. Commissioner Richards and Council Members Hock and Turner from The City Council have been selected to be a part of that process.

ANNOUNCEMENTS AND QUESTIONS

The next scheduled meeting will be held on Thursday, August 1st, 2024, at 6:30 p.m. MST in the Murray City Council Chambers, 10 East 4800 South, Murray, Utah.

ADJOURNMENT

Commissioner Pehrson made a motion to adjourn the meeting at 8:48 p.m. Seconded by Commissioner Henrie.

A handwritten signature in black ink, reading "Philip J. Markham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Philip J. Markham, Director
Community & Economic Development Department