

Minutes of the Planning Commission meeting held on Thursday, November 17, 2022, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

The public was able to view the meeting via the live stream at <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, Vice Chair
Travis Nay
Ned Hacker
Michael Richards
Maren Patterson
Lisa Milkavich
Jared Hall, Community Development Director
Zac Smallwood, Senior Planner
Excused: Jeremy Lowry, 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

Mr. Hacker moved to approve the minutes from the October 20, 2022, Planning Commission meeting as published. Seconded by Ms. Milkavich. A voice vote was made, motion passed 6-0.

CONFLICT OF INTEREST

There were no conflicts of interest identified.

APPROVAL OF FINDINGS OF FACT

Mr. Hacker motioned to approve the findings of fact for Gold Star Auto Sales and Triangle Auto Sales. Seconded by Mr. Richards. A voice vote was made, motion passed 6-0.

ALDERATIONS LLC – 388 EAST 4800 SOUTH - MAJOR HOME OCCUPATION

Zachary Smallwood presented the application for requesting Major Home Occupation approval at 388 East 4800 South located within the R-M-10 Zone. Homebased businesses are allowed in the zone. Major Home Occupations are usually handled administratively. They can get approval from planning commission, if unable to obtain the needed signatures. One vehicle and one trailer may be parked on a cement pad, to support home and business. The applicant has indicated he will not have any employees. Hours of operation are Monday through Friday 8 a.m. to 6 p.m. No clients or subcontractors will be coming to the home business. Neighborhood impact – one work truck and one 6' x 10' trailer.

Mr. Pehrson asked Mr. Alder if he read the conditions of the permit. Matthew Alder stated he has read the conditions of approval and will comply with the conditions.

The meeting was open for public comment.

Steve Clayton, representing Dawndi Reichman, neighbor at 398 East 4800 South and 415 East 4800 South. Mr. Clayton talked about the fact that when people purchase residential property they don't anticipate commercial use adjoining. With the number of vehicles projected to be

there (five) and size of cement pad, along with limited parked in front of Mr. Alder's property, that it may become an issue for the neighborhood. He stated that this proposal may diminish potential sell or purchase of surrounding properties. He asked if the applicant will be able to refrain from performing work at home or storing materials at home and that work at home can be interruptive intrusive to neighbors.

Mr. Hall read the formal letter: "Dawndi Reichman formerly owned the property at 388 East 4800 South, which she sold to Mr. Alder. She discussed Murray City code 17.24.10. Had she known that the property would be used for commercial use, she would not have sold Mr. Alder the property, because of the detrimental effects such a business would have on the neighborhood and her two properties. Ms. Reichman's properties are adjacent to Mr. Alder's. The use of the property must be compatible with, and not detrimental to, the residential character of the neighborhood and so long as it does not change the appearance or condition of the residence. The use of heavy equipment and tools mobilized by large trucks is not compatible with this neighborhood. He intends to expand the concrete pad and reduce the amount of green space. This type of business would increase the amount of noise and noxious odors and toxic debris emitted in the neighborhood. This type of business would be known as a major home occupation. Also, that this is a historic area, which makes it an even worse fit for this neighborhood."

Zac Smallwood explained that the only vehicles the owner has currently are what he is allowed for personal vehicles. The owner will not have customers coming to the business, so there will be no street parking for that. It was assumed by Ms. Reichman that the majority of work would be done at the residence, which is not the case. The true intent is that no work will be done onsite. Ms. Milkavich indicated that if noise becomes an issue, that is why city has noise ordinances that can be enforced, if needed. Mr. Alder's business appears to be able to comply with the stated conditions.

Mr. Nay made the motion to approve the request for a major home occupation for Alderations LLC subject to the following conditions:

1. Hours of operation are limited to between 8 a.m. to 6 p.m. Monday through Friday.
2. No employees or subcontractors are allowed to operate from the property.
3. The storage or use of flammable, explosive, or other dangerous materials is prohibited.
4. The applicant shall park the work truck and trailer to the rear of the dwelling on the concrete driveway. Parking any work truck or trailer on the public street (4800 South) is not allowed. No large trucks or equipment allowed on the site other than one work truck, weighing less than 12,000 pounds, and one trailer.
5. Storing tools in the detached garage will not be allowed per Section 17.24.040.(E). The applicant may store the tools in the trailer.
6. The applicant shall comply with all requirements of Fire and Building Codes, and all State and County Health Department requirements.
7. The business shall at all times be conducted in accordance with all applicable requirements of Section 17.24 of the Murray City Land Use Ordinance for Major Home Occupation businesses.

Seconded by Ms. Patterson. Roll Call Vote:

A Milkavich

A Pehrson
A Nay
A Patterson
A Hacker
A Richards

Motion passed 6-0

MOFFAT FARMS - 6190, 6270, 6288, 6294, 6304, and 6334 South Moffat Farm Lane - Preliminary & Final Subdivision Approval

Mr. Smallwood presented the application for preliminary and final subdivision approval. The existing properties are located immediately east of Wheeler Farm, along a private street (Moffat Farm Lane) that is accessed off of Vine Street. The properties are owned by Claudia Luttrell and her family. Ms. Luttrell would like to do some clean-up of these property lines and make it more streamlined. Current property lines cut through homes/lots.

The proposal is a single-family residential subdivision with a total of seven (7) lots along a private street. The current area is comprised of nine (9) parcels that vary in size between 0.03 acres to 5.42 acres. The applicant would like to clean up the property lines that they own and would consolidate the properties. The new seven (7) lot subdivision is purely a clean-up project; no new development is proposed with the changes. The new lots will conform with the requirements of the A-1 zoning district where the existing lots did not.

The application before the Planning Commission is for Preliminary & Final Subdivision approval. If the Planning Commission approves the subdivision the applicant will work with the Engineering Division to prepare a Final Plat. Once the Final Plat has been 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.

Both the Engineering and Planning Divisions have determined that because there is no possible way to provide a public street or an ability to develop additional property at this location, we feel confident in recommending that the exception be applied to this application. These properties are not in a platted subdivision currently and could have been addressed as a boundary line adjustment; however, because of the complexity of the changes to be cleaned up staff determined it would be better and cleaner to take the changes through the subdivision process by applying this exception. This will allow for the properties to come into conformance with existing codes and clean up property lines that have been subdivided prior to incorporation into Murray City.

It is important to note that this exception is not lightly invoked and applied by staff in this or any other case. With this collection of existing homes, no public road can be created for access and there are additional constraints to the property that would exclude further development. We are confident that this exception could and would not be applied in any other manner on this property.

The applicant approached the podium and was asked if she read and could comply with conditions. She stated that she could.

The application was opened for public comment. Mr. Hall read an email from John & Chris Wehmann. They stated that if the request is a zoning change that more information is needed by the neighbors. If it is just property line changes then they have no additional concerns.

Ms. Patterson's concern is that, although right now, no one is trying to build on those newly created lots, but what about in the future. She says that the newly created lots are buildable lots if they can meet requirements. Mr. Pehrson says there are already lots with no buildings on them. Mr. Smallwood spoke to these concerns. Even right now, there are lots that could have a house built on them. Ms. Milkavich pointed out that this zone is A-1, so the requirement is they need one acre. They can't be subdivided additional due to water and sewer. The owners of the private lane would also need to agree. Ms. Patterson is concerned that a developer might try to develop in the future. Ms. Patterson is concerned there is no protection against it. She knows that they need to move forward, but felt uncomfortable. Ms. Milkavich wanted to know what the benefit is to cleaning up property lines. The applicant stated that it was Murray City that required her to have the one acre lots. Any boundary line adjustment must end in a one-acre lot.

Mr. Richards made the motion to grant Preliminary & Final Subdivision approval for the Moffat Farm Subdivision on the properties addressed 6190, 6270, 6288, 6294, 6304, and 6334 South Moffat Farm Lane, subject to the following conditions:

1. The applicant shall meet all requirements of the Murray City Engineering division and all City plot requirements for amending property lines.
2. All lots within the subdivision shall comply with the requirements of the A-1 Zone as outlined in Chapter 17.92 of the Murray City Land Use Ordinance.
3. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.
4. 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 Mr. Hacker. Roll Call Vote:

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

Motion passes 6-0

TRIPP LANE SUBDIVISION - 871 West Tripp Lane - Preliminary Subdivision Approval

Zac Smallwood presented the proposal for a single-family residential subdivision with a total of twelve (12) new lots and a new dedicated public roadway extending Tripp Lane on the north and terminating in a cul-de-sac. The subject property is a vacant, 2.78 acre parcel located to the west of Riverview Junior High School, between Tripp Lane (5755 South) and Willow Grove Lane at approximately 5840 South. The application before the Planning Commission is for Preliminary Subdivision approval. Staff will recommend conditions to be met as the applicant

works with the Engineering Division to prepare the Final Subdivision Plat for review and approval by the Planning Commission. Once a Final Plat has been approved by the Planning Commission 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.

Mr. Richards asked if there is pedestrian access to the cul-de-sac. Mr. Smallwood said that there will be an access required. This would eliminate need for children to cross private property to the school. Another concern, from the public, was maintenance of parcel A. NeighborWorks of Salt Lake could maintain or the city could maintain. That will be decided before final approval. Ms. Milkavich asked what happens if a non-profit maintains it. Mr. Hall indicated that NeighborWorks land are held in trust and will be controlled. Lot A must stay as a detention base.

Mr. David Foster of NeighborWorks confirmed that NeighborWorks has reviewed the conditions and will meet all twelve conditions. He expressed a strong interest in the project and wanting to create affordable housing.

The application was opened for public comment. Elizabeth Larsen spoke. She wanted to go on record as being in favor of a cul-de-sac going the other direction or a through street from Tripp Lane to Willow Grove. She is concerned about the traffic flow issues with school traffic and recreational events around 800 West and Tripp Lane. She wants to know how to get traffic problems solved. She proposed widening Tripp Lane.

Rachael Palmer, resident, expressed her concern for traffic. She has issues getting out of her own neighborhood due to junior high traffic. Her commute is very complicated. She pointed out her observations of children's safety. She asked to not approve this review until the traffic concerns are addressed.

Brenda Hales, resident, stated the current state of Tripp Lane is not a favorable environment. She suggested connecting Tripp Lane and Willow Grove Lane to facilitate better school pick-up and recreational events. She stated that emergency vehicles can't access the area, as needed. She wants to know why eminent domain can't be used in this case to acquire the needed land to widen the street.

Mr. Hall read an email from Brenda Green indicating that she isn't against the housing, just against the added traffic. Tripp Lane is not wide enough. She cited that two children have been hit by cars over the past few years. She asks the commission to come and see how bad the traffic is. She asks to delay this housing project until a solution can be found.

Mr. Hall then read an email from Brent Milne. He indicated that the cul-de-sac go the opposite direction to solve the problem. It needs to come from the Willow Grove side, not Tripp Lane. It would allow for better and safer access. He proposes a delay on the project. He proposes using eminent domain to acquire the property needed.

Brenda Hales read a comment from Parker Hales. He cited city code regarding cul-de-sacs, curbs, and gutters. She stated she does not feel this project meets those requirements and that Willow Grove Lane should connect to Tripp Lane.

Mr. Richards commented that he agrees with the public comments. Everything the neighbors said is accurate. He feels this should go back to City Council. He asked if it can and Mr. Smallwood stated that the neighbors would have to get a petition from the Tripp Lane property owner for the City Council. Staff for the city and the planning commission have the role of simply processing the application. This part of the process is an administrative action to determine if the applicant meets the requirements, then the planning commission is legally required to approve applications. The issues brought up by the public need to be addressed in a different forum, such as City Council.

Mr. Pehrson asked if the applicant wanted to change the project after approved, could they do that. Mr. Smallwood said that they could. Mr. Hall said this is not a case of the applicant not wanting to buy the needed property. The applicant is not able to perform that action. None of the current parties involved have the ability to make that happen. That property is not for sale and the City Council would have to exercise eminent domain. Instead, the City Council chose not to act. They almost never used eminent domain. The commission and staff stated that are not opposed to a road going through. Mr. Smallwood suggested the public contact City Council, school district, and the traffic safety committee to address traffic concerns. NeighborWorks has done its best to design the project, based on the constraints. Mr. Hacker encouraged community members to tell council members and the school board that Tripp Lane is a safety hazard. Mr. Richards stated that 800 West also needs to be fixed.

Mr. Nay made the motion to approve the application, based on the information presented in this report, application materials submitted and a site review, staff recommends that the Planning Commission grant preliminary subdivision approval for the Tripp Lane Subdivision on the property addressed 871 West Tripp Lane subject to the following conditions:

1. The applicant shall meet Murray City Engineering requirements including the following:
 - a) Meet City subdivision requirements.
 - b) Meet City utility standards, provide standard front rear and side yard PUE's on lots and Parcel A – window wells cannot extend into PUE.
 - c) Obtain written approval from Murray City for acceptance and maintenance of Parcel A.
 - d) Obtain easement for water line crossing of the Livingston property.
 - e) Vacate any unused easements within the subdivision boundary.
 - f) Extend the subdivision curb and gutter and sidewalk to the paved ball field access on the east side of the subdivision.
 - g) Meet City storm drainage requirements, on-site retention of the 80th percentile storm is required. Detention and reduced release are also required. Implement Low Impact Development (LID) practices.
 - h) Maintain rear lot drainage on individual lots – do not convey drainage from lot to lot.
 - i) All sewer manholes need to be accessible from a roadway.
 - j) Provide removable bollards and end on street markers at the end of Willow Grove Lane.
 - k) 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. Subsurface infiltration systems should be located 25' from basements or as directed by the Geotechnical Engineer.
 - l) Provide Street lighting, type and locations need to be coordinated with Murray City Power.
 - m) Provide a subdivision improvement bond prior to recording the plat.

- n) Develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site grading and construction work.
 - o) Obtain a City Excavation Permit for work within City roadways.
2. The applicant shall meet all requirements of the Murray City Water Division including:
- a) All water services need to be 1".
 - b) On north end they need locking gaskets for first 3 joints after new valve on Tripp Lane so the city has the option to leave the line live for any future pipe replacement on Tripp Lane.
 - c) The water line on Tripp Lane is 6" cast and on Willow Grove Lane is 8" ductile.
 - d) All hydrants must be set on property line with concrete pads.
 - e) Meter pits may not be located in driveways.
 - f) A ten foot (10') minimum separation between water and sewer mains must be maintained.
 - g) Follow Murray Water material and construction specs.
3. The applicant shall meet all Murray City Fire Department requirements and follow all International Fire Codes.
4. The applicant shall meet all Murray City Wastewater Division requirements and follow all Murray Water Specifications.
5. The applicant shall provide perimeter project fencing in the form of 6' solid fencing along the north and east project boundaries, and along the south and west boundaries where such fencing does not already exist or needs repair.
6. The subdivision shall include the installation of street lighting in accordance with Murray City Power Department standards and meet all Murray City Power Department requirements.
7. The subdivision improvements shall include the installation of street trees as required by Murray City Code.
8. All lots within the subdivision shall comply with the requirements of the R-1-6 Zone as outlined in Chapter 17.100 of the Murray City Land Use Ordinance.
9. The project shall follow International Fire Code (IFC) regulations for fire access and hydrant locations.
10. The applicant shall amend the width of the proposed public right-of-way to include the city standard of forty-nine feet (49'). Prior to being placed on an agenda for final subdivision approval.
11. The applicant shall amend lot 7 to meet the lot width requirement of sixty feet (60') at the twenty-foot (20') setback line prior to being placed on an agenda for final subdivision approval.
12. The applicant shall prepare a Final Subdivision Plat which complies with all requirements of Title 16, Murray City Subdivision Ordinance.

Seconded from Mr. Hacker. Roll call vote:

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

Motion Passes 5-1.

LAND USE ORDINANCE TEXT AMENDMENT - Section 17.78.050.J Detached ADU's

Mr. Smallwood presented (on behalf of Susan Nixon). Peggy Imai is requesting an update to Chapter 17.78.050(J), changing the minimum lot area of 12, 000 square feet (.275 acre) to 10,000 square feet (.23 acre) required for Detached Accessory Dwelling Units. Section 17.78.050(J) states: "*The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be twelve thousand (12,000) square feet.*" The request is to reduce the minimum area required from 12,000 square feet to 10,000 square feet. Staff has been considering other amendments for detached ADUs such as setbacks and maximum square footage for a detached ADU but has not fully researched these other changes and any potential impacts. Therefore, staff is not recommending other changes at this time.

The proposed request will potentially allow more property owners the ability to have detached ADU's. The Planning Division does not anticipate adverse impacts to the community as a result of the proposed change. The proposed amended ordinance will continue to regulate accessory dwelling units and potentially allow additional properties the ability to have a detached dwelling unit.

Based on the background, staff review, and the findings in this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the request to amend the text of Chapter 17.78.050(J), Detached Accessory Dwelling Units, to state: *The minimum lot size required for construction of a detached ADU in all single-family residential zones shall be ten thousand (10,000) square feet.*

Ms. Imai stated she recently purchased the property at 451 East Vine Street and would like to build a single-family dwelling with detached accessory dwelling unit. Her property is just shy of the 12,000 sq.ft. minimum area requirement.

Mr. Pehrson opened for public comment. None came forward. The public comment for this item was closed.

Ms. Patterson made the motion to send a positive recommendation to the city council for the Land Use Text Amendment to Section 17.78.050.J. reducing the minimum area requirement for detached accessory dwelling units from 12,000 sq.ft. to 10,000 sq.ft. Seconded by Mr. Richards.

Roll call vote:

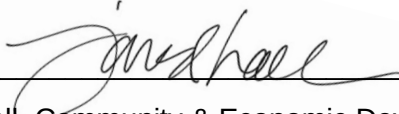
A Milkavich
A Pehrson
A Nay
A Patterson
A Hacker
A Richards

Motion Passes 6-0

OTHER BUSINESS

December 1st meeting is canceled. Mr. Hall mentioned two new hires. New planner Mustafa Al Janabi and Economic Development Specialist Abigail Jacobsen.

Mr. Hacker moved to adjourn tonight's meeting at 8:37 p.m. Seconded by Mr. Nay. A voice vote was made, motion passed 6-0.

A handwritten signature in black ink, appearing to read "Jared Hall", is written over a horizontal line.

Jared Hall, Community & Economic Development Director