

Minutes of the Planning Commission meeting held on Thursday, April 20, 2017, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Buck Swaney, Chair
 Phil Markham, Vice Chair
 Maren Patterson
 Sue Wilson
 Lisa Milkavich
 Scot Woodbury
 Jared Hall, Community & Economic Development Manager
 Jim McNulty, Development Services Manager
 Mark Boren, Assistant Planner
 G. L. Critchfield, Deputy City Attorney
 Citizens

Excused: Travis Nay

The Staff Review meeting was held from 6:00 to 6:30 p.m. The Planning Commission members briefly reviewed the applications on the agenda. An audio recording of this is available at the Murray City Community and Economic Development Division Office.

Buck Swaney opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes from the March 16, 2017 Planning Commission meeting with the changes discussed in the pre-meeting. Seconded by Mr. Markham.

A voice vote was made, motion passes 6-0

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Ms. Wilson suggested an amendment to the March 16, 2017 Findings of Fact for the date to read the 20th day of April 2017.

Mr. Woodbury made a motion to approve the Findings of Fact for Marissa's Books and Gifts, Iron Horse Concrete and Marauder Tattoo with the amendment to the date. Mr. Markham seconded the motion.

A voice vote was made, motion passes 6-0.

DEAD CITY – 5425 South Vine Street – Project #17-15

Tim Riggs was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow a Haunted House Walk-Through Attraction in a vacant building, previously known as the Wagon Master Restaurant, at the property addressed 5425 South Vine Street. The application was reviewed and denied by the Planning Commission previously, but after an appeal of that decision to the Hearing

Officer, the item has been remanded back to the Planning Commission for approval and the imposition of conditions. The applicant proposes to operate the attraction seasonally during Halloween and on a few other occasions. Parking has been determined as appropriate for the site. Staff will require restriping of the parking lot and additional ADA stalls which are listed in the Conditions of Approval. The property is served by a single forty foot (40) access and there are just under three hundred parking stalls. The property has landscaping that will be better maintained when the building is occupied. The building is in the C-D Zone and does require a Conditional Use Permit. It is located across from the Murray City Cemetery to the west, an apartment complex next door to the south and office buildings to the north. The Haunted House will be operated mainly on the main floor, the mezzanine area would be used for an employee break room as well as costume changes. The building is suited for this type of attraction and was partially remodeled for a similar attraction in the past. If this building is approved for a Conditional Use Permit it would still be required to address the Fire and Building Code issues prior to operation.

The current layout of the building has the patrons exiting to the south, due to noise issues and traffic flow, staff is recommending that the flow of traffic be directed to exit to the east away from the apartment complex and the parking lot flow of traffic. The building and perimeters has a significant amount of landscaping that has fallen into disrepair, staff is recommending the landscaping be brought up to standards. The parking lot has a lot of faded stripping and will need to be repainted. Staff has recommended a lighting plan for the rear parking lot to be submitted to the Community Development Department as part of the conditions of approval.

A concern that was discussed in the prior Planning Commission meeting was that the building may be painted in a grotesque fashion. Staff has recommended that the paint on the building be limited to two subdued tones as a Condition of Approval. The applicant is mainly interested in using light on the building during operational times, which would be allowed as well. Signage would be limited to the detached Metallic Pumpkin Creature in the landscaping and the one animatronic figure that would be used seasonally outside the main door located on the north side of the building.

The applicant has indicated he would be willing to provide extra onsite security as well as extra offsite at the Murray City Cemetery on Halloween night, and the weekend before and after Halloween. Input on this condition can be adjusted by Planning Commission depending on the needs of the city and the cemetery.

Operation hours would be limited to between 7:00 p.m. and 10:30 p.m. during the week. On Friday and Saturday hours would be limited to between 7:00 p.m. 12:00 a.m., closed on Sundays.

Mr. Markham stated he values the opinion of the Hearing Officer and understands that the Planning Commission must impose suitable conditions to allow the business to operate, but would like to go on record stating that he feels like this is an inappropriate place for this type of business in his opinion, and will do everything he can to comply with this process.

Ms. Milkavich asked if the spotlight recommendation is limited to one or two and would like to have some discussion about the placement of the spotlight away from the south side as well. Mr. Hall answered that there was some discussion about running only one spot light instead of two. The Commission felt that two might be too much for the residents nearby and that one

would be more appropriate. It was proposed to limit the hours of operation of the spotlight to no later than 10:00 p.m. on weekdays and 11:00 p.m. on weeknights. An appropriate addition to conditions of approval would be the placement of the spotlight to be near the north or east side of the property.

Mr. Swaney asked Mr. Hall to summarize a letter that was received from a concerned neighbor. Mr. Hall explained that the letter was from the potential owners of the vacant property directly to the north, Alan Kruckenberg Construction. The property owners are proposing to build a small office and their concern is that the parking from Dead City would overflow onto their property as there is no fence between the two properties currently. They are requesting that a condition be added to provide a fence to keep people off the property as well. Mr. Swaney asked if it is required they provide a fence. Mr. Hall stated there is not a requirement in the C-D zone to provide a fence between two commercial uses. Staff did not require the fence in the proposed conditions, because they do not think parking will overflow onto the Kruckenberg property due to the Dead City lot having about three hundred stalls and it is a drop off type of venue as well. Secondly, the proposed security can be used to control the parking lot.

Tim Riggs, 1931 West 4960 South, stated he has reviewed the conditions and will be able to comply. Mr. Riggs commented that the conditions seem reasonable and straight forward and asked for clarification for the search light conditions, security requirements and any other conditions and requests. Mr. Riggs stated that he understood from the Hearing Officer meeting that public comment was not needed because it was already conducted at the previous Planning Commission meeting. Mr. Swaney responded that as a matter of standard practice, the Commission always provides the opportunity for the public to comment.

Ms. Patterson asked Mr. Riggs to clarify the type of search light he plans on using and the reason for the proposed location. Mr. Riggs responded that the type of search light is smaller than the traditionally larger WWII search lights used by a lot of other venues, the smaller light that he uses has less wattage, is smaller than a meter across and sweeps only about sixty degrees as opposed to the WWII type. Mr. Riggs stated that he proposed to install it on the north-west or on the nearby garage because it only sweeps sixty degrees and would point towards 5300 south or eastward. He stated typically 20,000 watt lights are used to direct patrons to venues, but this light is much smaller at only about 5,000 watts. Mr. Riggs added he will not point it in the south direction as to avoid the residents that live in that area.

Mr. Markham commented that he would personally like to see at least two security people stationed at the cemetery near each entrance on Vine Street and asked for clarification about the type of security that would be provided on a regular basis from Mr. Riggs. Mr. Riggs answered that security varies from weeknight to weekend, using more security on weekends. Security people handle ticketing, lines and parking staff. The head of security is a retired Fire Chief and Reserve Sheriff. The total security could range anywhere from three to a dozen people at any given time.

Mr. Swaney asked how issues are enforced legally and juristically by security if a large number of kids are out of hand and are in many places such as in the Cemetery. Mr. Riggs explained that most kids who encounter a security guard in a position of authority are likely to obey the commands. The signage at the Cemetery does not list any hours of operation or state that you can't be in the Cemetery at certain times. There are signs say that if a person damages property in the cemetery, they will be held liable. The thought of having a security

guard with a bright light and telling people they can't be at the cemetery is a much better alternative than some posted signage, and if needed to call the Police Department.

Mr. Woodbury stated that he agrees with Mr. Riggs and explained that we have to propose conditions that would address the most probable outcome. In the event of 24-36 crazed people go into a haunted house and then decide to vandalize is not the responsibility of the security to enforce, but he should rely on Police public enforcement. The security people should be used as a deterrent and a way to notify Police, and believes that it will take care of the majority of reasonable people that they encounter. The point of a Conditional Use Permit is to impose reasonable conditions to mitigate legitimate concerns and feels comfortable with what Mr. Riggs proposes, and the Police are here to protect, serve and help.

Ms. Milkavich added that she agrees the conditions need to be reasonable and feels Mr. Riggs has good intentions for the good of the community and asked if law enforcement can be used instead of security. Mr. Riggs indicated that the cost is different and he may end up using law enforcement if the crowd turnout is large, but does not foresee it as this is the first year of operation. Mr. Woodbury encouraged Mr. Riggs to pursue a good working relationship with local law enforcement and make sure they understand the number of encounters in the cemetery and what help might be needed.

Ms. Milkavich asked if extra security could be required, not only on the weekend before and after Halloween but also three weeks prior to Halloween based on the provided participant information by Mr. Riggs. Mr. Riggs stated he is open to the idea and said the participants do increase depending on the proximity of the UEA break to Halloween. Ms. Wilson asked Mr. Riggs if he would feel comfortable with changing the conditions to read weekends, adding the "s" to make it plural. Mr. Riggs indicated he was in agreement to this suggestion to add the three weekends before Halloween or from UEA is fine.

Mr. Riggs stated he researched what two other cities do in terms of the times allowed for a spot light and found search lights were allowed to operate until midnight and wondered if the search light could be left on a little longer on weekends. Mr. Swaney stated they will look at making this a condition of approval at the end of the discussion so it is clear to everybody.

The meeting was opened for public comment.

Christine McBeth, 5681 Whispering Pine Drive, stated she did not receive notice for Dead City and thinks she should have. The idea of putting Dead City, a Halloween attraction across from the cemetery is highly disrespectful. Ms. McBeth asked how many times in the year it will be used and for what other purposes if any and how long.

Allen Kruckenberg, 6782 South 1300 East, stated he is a general contractor who will be building two small office buildings on the property to the north and is concerned that there is not a buffer between his new parking lot and Dead City. Mr. Kruckenberg stated that because his parking lot is lit and only thirty feet from the Dead City front door that people will choose to park in his lot instead of Dead City parking lot and he would like to request that a fence be installed between the properties.

Becky Hansen, 5676 South Magic Drive, stated she has gravesites purchased in the cemetery and know people have their loved ones buried in the cemetery. Ms. Hansen is concerned that a Haunted House will bring an element that is not conducive to the area. Ms.

Hansen stated she worked for the Murray Parks Department for over twenty years and spent many hours removing graffiti in various locations across the city and does not feel that one or two security persons will be able to control all that goes on in the cemetery.

The public comment portion was closed.

Mr. Woodbury asked Mr. Hall to explain the history of Dead City with the Planning Commission and the Hearing Officer ruling and why it's back tonight.

Mr. Hall stated he wanted to also explain the notices and who should receive them. The Community and Economic Department regularly sends notices for agenda items to people who own properties within three hundred feet of an item. Agendas are also posted on the Murray City website, and referred the audience to reference the meetings there.

Mr. Hall explained that this item was before the Planning Commission in February, at that time the Conditional Use was denied by the commission based on a feeling there were no conditions that could be imposed that would make it appropriate. The denial was appealed by the applicant to the Murray City Hearing Officer, the appeal was upheld and then sent back to the Planning Commission to have conditions imposed, which is the meeting tonight. The Commission's task tonight is to impose conditions. Mr. Markham clarified that the commission can't turn down this application tonight. Mr. Hall stated the task of the commission is to impose reasonable conditions to mitigate probable impacts of the application.

Mr. Woodbury asked Mr. Hall to address the public comment question on what other uses can be allowed on this property. Mr. Hall stated the applicant mentioned in a previous meeting that there might be a day he wanted to open a Haunted House only on some additional day such as Friday the 13th, but did not foresee that happening as it is cumbersome to open for a one day period. Mr. Hall stated the property is located in the C-D zoning district, and the approval is for a Haunted House.

Mr. Swaney asked for clarification from Mr. Riggs about other uses at other times. Mr. Riggs stated it would operate on weekends in September, weekdays and weekends in October, typically the first weekend in November. He stated that occasionally they may open on a Friday and Saturday night when it lands on a Friday the 13th a few of those may happen a year. In the springtime it is possible to open once or twice, or a weekend. In the future they may want to do something like laser tag, but understands to change the use would require a new Conditional Use permit although that is not the intent right now.

Ms. Wilson addressed the revised condition number 8 which reads; "the applicant shall provide additional security on site and provide or arrange additional security in the cemetery on the night of Halloween and the operating nights of the three weekends before Halloween from dusk to closing." Ms. Wilson proposed to add a condition number 14 to specify the searchlight hours of operation to read, search light hours of operation during business hours and limited to the use of the searchlight being aimed upward, with only a sixty degree rotation, away from the Still Water Apartments, located closest to Vine Street"

Mr. Swaney asked Mr. Riggs his thoughts are on the concerns of the chain link fence between the properties. Mr. Riggs stated that he is willing to allow Mr. Kruckenberg to pay for and place a fence between the two properties. Mr. Swaney stated Mr. Kruckenberg does

not need permission to install a fence on his own properties and asked if it needs to be a condition of approval. Mr. Hall answered there is nothing for Staff to address on the matter. Ms. Patterson stated she does not feel it needs to be a condition because he can put a fence up on his own property and suggested that he post a sign that states "No Dead City Parking Allowed". In addition, Dead City will have their own lit parking available and the two businesses would not be operating at the same time and could work out a parking agreement which would allow after hour parking. Mr. Swaney stated the zone does not require a fence and the two parties will have to work it out.

Mr. Riggs stated that he would be able to comply with the revised conditions.

Ms. Patterson made a motion to grant Conditional Use Permit allowing the operation of a Haunted Attraction for the property addressed 5425 South Vine Street subject to the following conditions as amended and added during the meeting:

1. The applicant shall provide architect stamped plans with egress analysis upon submittal for building permits, and the project shall meet all applicable building codes.
2. The project must meet all provisions of the 2015 International Fire Code, and provide fire alarms, emergency lighting, appropriate egress, building sprinkling, the use of fire rated materials and a code analysis performed by an architect.
3. If site improvements exceed \$5,000.00, the owner or applicant shall repair or replace any damaged curb, gutter and sidewalk on the Vine Street property frontage.
4. The applicant shall provide 7 additional ADA compliant parking stalls, to include a minimum of 2 van accessible stalls as outlined in Chapter 17.72. The parking area shall be repaired and restriped as needed per review by the Zoning Enforcement Officer.
5. Hours of operation shall be limited to between approximately 7:00 p.m. and 10:30 p.m. Monday through Thursday, and 7:00 p.m. and 12:00 a.m. Friday and Saturday. The attraction will not be in operation on Sunday.
6. The applicant shall refurbish the landscaping areas on the site generally and upgrade the landscaping on the frontage of Vine Street to comply with the standards of Section 17.68.
7. The applicant shall provide proof of liability insurance for the operation of the attraction in amounts of 1 Million / 3 Million and naming Murray City as an additional insured.
8. The applicant shall provide additional security on site and provide or arrange additional security in the cemetery on the night of Halloween and the operating nights of the three weekends before Halloween from dusk to closing.
9. The applicant shall provide appropriate lighting in the parking areas for operation. A plan to provide lighting must be submitted to the Community and Economic Development Division for review and approval before commencement of business operations.
10. Painting of the building is restricted to no more than two subdued colors, and shall not include lettering, emblems, depictions or symbols of any kind. A proposal must be submitted to the Community Development Division for review and approval prior to any work commencing.

11. Figures and other exterior advertising practices are limited to the use of the "pumpkin

creature” as a permanent, detached sign, the use of animated lighting on the building façade during operating hours only, and the use of the temporary seasonal use of the single animatronic figure at the building entrance. Sign permits are required for all permanent allowed signs.

12. The guest exit from the attraction shall be relocated to the east side of the building, and the container removed from the access past the south side of the building in order to improve traffic and pedestrian circulation and to minimize noise impacts to the adjacent apartment complex.
13. The applicant shall obtain a Murray City Business License before commencing operations.
14. Searchlight hours of operation during business hours and limited to the use of the searchlight being aimed upward, with only a sixty degree rotation, away from the Still Water Apartments, located closest to Vine Street.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Maren Patterson
 A Phil Markham
 A Buck Swaney
 A Sue Wilson
 A Lisa Milkavich

Motion passed 6-0.

MDCORWOOD LLC – 4141 South 500 West #7 - Project -#17-37

Aldo Murguia was the applicant present to represent this request. Jim McNulty reviewed the location and request for a Conditional Use Permit for a wood door and furniture manufacturing business to be located at the property addressed 4141 South 500 West #7. The applicant was located in unit #4 and wants to relocate to unit #7 which is about three hundred square feet larger. The applicant currently operates a business in the unit and needs the extra space to continue to operate the business. Staff has determined ample parking is provide for the site when the building was built in 2001 as the code required 13 stalls, currently there are a total 15 stalls in all. The applicant will be able to utilize 3 of the spaces. The property is located in the M-G Zoning district and is completely surrounded by the M-G Zone. No residential zones are adjacent to this use. The business meets standards for dumpster enclosure regulations. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval for a Conditional Use Permit for a wood door and furniture manufacturing business to be located at the property addressed 4141 South 500 West #7 subject to conditions.

Aldo Murguia, 4141 South 500 West #7, stated he has reviewed the conditions and will be able to comply. Mr. Murguia stated the need to move to the bigger unit is because his machines were too large for the previous unit. The dust collection functions the same way in the new unit as it did in the old unit and nothing in the way he operates his business has

changed since the move from the previous unit.

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

Mr. Woodbury made a motion to grant Conditional Use Permit approval for a wood door and furniture manufacturing business to be located at the property addressed 4141 South 500 West #7 subject to the following conditions:

1. The proposed use shall meet all applicable building code standards. The applicant shall obtain a building permit for any interior changes and for the dust collection system.
2. The proposed use shall comply with all applicable fire code standards along with the following requirements of the Murray City Fire Department:
 - (a) A dust collection system shall be provided and installed in compliance with building and fire code standards;
 - (b) Spray operations, fire suppression and other requirements determined by the fire department shall be provided for this use.
3. The proposed use shall comply with all Murray City Water and Sewer Department requirements.
4. The applicants shall obtain a Murray City Business License for the new location prior to commencement of business operations.

Seconded by Ms. Wilson.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Maren Patterson
 A Phil Markham
 A Buck Swaney
 A Sue Wilson
 A Lisa Milkavich

Motion passed 6-0.

PURITY GROUP, LLC –98 West Wilson Avenue- Project -17-43

Jeremy Eveland and Kevin Neilson were the applicants present to represent this request. Mark Boren reviewed the location and request for a Conditional Use Permit to allow an accessory dwelling unit for the property addressed 98 West Wilson Avenue within the R-1-8 zoning district. The property is located near the end of Wilson Avenue on the north side of the street, which is south of 5300 South and west of State Street on a dead end, surrounded by residential zoning. The property has been used for many years as an illegal duplex. The City recommended to the current owner to go through the approval process because the Accessory Dwelling unit standards require the property to be owner occupied. The City has recommended other conditions for property some of them have already been completed.

The current dwelling is just over 2000 square feet. The accessory dwelling unit is 728 square feet and is located adjacent to the primary unit. The ADU contains one bedroom, one bathroom, a laundry/utility room, a kitchen and a living room. The primary dwelling contains a two car garage, and a concrete pad to the side. The ADU has a separate concrete pad for parking. The entrance to the ADU was located on the front of the house which is not allowed within city standards. The property owner has already addressed this issue by relocating the entrance to the rear of the ADU. The property contained two power meters and two gas meters. This has been address by the removal of a power meter and a gas meter. Based on the information presented in this report, application materials submitted, and the site review, staff recommends approval for a Conditional Use Permit to allow an accessory dwelling unit for the property addressed 98 West Wilson Avenue subject to conditions.

Ms. Wilson stated that siding has been placed on the exterior of the house where the entrance to the ADU was located and asked if the interior wall has been dry walled to avoid future use of the door. Mr. Boren stated that he will personally make a visit to the house to verify before the business license is approved. Mr. Boren stated that on a previous walk through of the property he had noticed the owner had cleaned the area and made numerous improvements which will be a great benefit to the neighborhood.

Jeremy Eveland and Kevin Neilson, are the current owners of the property addressed 98 West Wilson Avenue. Mr. Eveland stated that it is his understanding the door has been removed and dry walled on the inside. Mr. Eveland expressed concern about condition number two that requires all smoke alarms be hard wired and interconnected throughout the dwelling to meet the 2012 International Residential Code as it would be very costly to install and very unreasonable due to a lack of an attic in the area and suggested that he prefer battery operated smoke alarms that are not interconnected. Mr. Eveland sited code R314.4 and R314.6 which allows battery operated smoke alarms and would be more reasonable. Mr. Eveland stated he estimates the cost to hard wire the smoke alarms at about \$10,000.00.

Mr. Neilson addressed condition number six which requires the applicant to submit a copy of the recorded Accessory Dwelling Unit – Owner Occupancy Affidavit to the office of the Murray City Community and Economic Development Division and asked if the city would not require this from them as they are selling the property and would like the new owner to be required to submit this form instead.

Mr. Boren stated that when the proposal was received by Community Development Division they met with all the city department representatives, and the hard- wiring of the smoke alarms is always a standard procedure for ADU's from the Building Division and would require Building Department to address this issue. Ms. Patterson stated that this condition is required to protect the safety of the residents of the house. Mr. Woodbury stated that the owners are also unable to comply with condition number six to submit a copy of the Owner Occupancy Affidavit as they are not occupying the dwelling and it would have to be refiled after purchase. Mr. Boren stated the sale of the property is under contract to be sold shortly. Mr. Hall stated the current conditions of approval are required to operate this as an ADU if this is going to be sold it would be okay for the new owners must meet these conditions and file the affidavit. If the Commission were to approve this item tonight it would be alright because the current owner would not be allowed to operate it as an ADU until all the conditions are met and the city would not issue a Business License and the conditions should stay in place in his opinion. If the applicant were to work out some type of exception for the smoke alarms later the Community Development Department would abide by that decision.

Ms. Milkavich asked if the new owners would need to apply for a Conditional Use Permit. Mr. Hall explained that any future owners who wish to use this property as an ADU would only need to file the Owner Occupancy Affidavit and obtain a Business License by meeting these conditions, if a future owner did not wish to use the ADU they would not be required to do these things. Ms. Wilson stated she had a similar situation on a personal project that required additional expenses and although it was costly it was what was needed and she complied.

Mr. Swaney stated that the applicants must contact the Building Department to address a possible exception for the smoke alarms and clarified that they must be willing to comply with the listed conditions if the Building Department does not grant an exception.

Jeremy Eveland and Kevin Neilson, stated they have reviewed the conditions and will be able to comply.

The meeting was opened for public comment.

Candice Mau, 98 West Wilson Ave, stated she is the buyers' Real Estate Agent and she had spoken in depth to the Building Department and is very confident that these issues will be easily addressed within the code. Ms. Mau stated the issue that is preventing them from closing is that the property currently reads from the city that the property is not legal and no lender will lend money until it is addressed.

The public comment portion was closed.

Mr. Woodbury made a motion to grant Conditional Use Permit approval to allow an Accessory Dwelling Unit for the property addressed 98 West Wilson Avenue subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. All smoke alarms shall be hard wired and interconnected throughout the dwelling to meet the 2012 International Residential Code.
3. The project shall meet all current fire codes.
4. The project shall comply with all applicable development standards for accessory dwelling units as found in Chapter 17.78 of the Murray City Land Use Regulations.
5. The installation of a separate address and utility meters for the ADU is prohibited.
6. The applicant shall submit a copy of the recorded Accessory Dwelling Unit – Owner Occupancy Affidavit to the office of the Murray City Community and Economic Development Division.
7. Prior to occupancy, the front yard entrance to the ADU shall be eliminated.
8. The applicant shall obtain a Murray City Business License prior to renting and/or leasing the Accessory Dwelling Unit.

Seconded by Ms. Patterson.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Maren Patterson
 A Phil Markham
 A Buck Swaney
 A Sue Wilson
 A Lisa Milkavich

Motion passed 6-0.

SECURITY NATIONAL – 5300 South 360 West - Project -17-44

Justin Grubb was the applicant present to represent this request. Jim McNulty reviewed the location and request for a Conditional Use Permit for an electronic message center sign to be located at the property addressed 5300 South 360 West in the C-D mixed use zone. The proposed sign is a 300 square foot, sixty-five foot high electronic message center for the subject property and would be freeway oriented for the use of the current property tenant, Security National. It is important to note that the future development in this area that is not located on the same parcel as the sign would not be allowed advertising access to that sign unless a code change were adopted. Currently, Community & Economic Development Staff is preparing draft language to address this type of circumstance for planned commercial centers (i.e. Fashion Place Mall, Security National, Intermountain Healthcare, etc.); however, that language may or may not be adopted by the City Council. The maximum sign height is thirty five feet (35') above pavement grade or ground level. On properties adjacent to freeways, where the sign is freeway oriented, maximum sign height may be determined from freeway grade which would allow a maximum sign height of sixty-five feet. The existing Taco Time sign is in compliance and a two-hundred foot separation has been met with this application.

An adjacent business owner had expressed some concern about a billboard along the freeway in a nearby location and the city wants to clarify that this is a professional looking electronic message sign and not a billboard. The proposed sign is an upgrade from the current sign on the property which will be required removal before the new sign can be installed.

Based on the information presented in this report, application materials submitted, and the site review, staff recommends approval to allow an electronic message center sign to be located at the property addressed 5300 South 360 West subject to conditions.

Mr. Woodbury asked if the applicant is asking for any relief from any existing conditions or regulations that the City has in place to regulate these types of signs. Mr. McNulty replied that the proposed sign complies with current sign code standards and no alterations are needed.

Justin Grubb, Young Electric Sign Company, 1605 South Gramercy Road, stated he has reviewed the conditions and will be able to comply.

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

Mr. Markham made a motion to grant Conditional Use Permit approval to allow an electronic message center sign to be located at the property addressed 5300 South 360 West subject to the following conditions:

1. The project shall meet all applicable building code standards. A building permit shall be obtained for the installation of the new sign and shall cover the demolition of the existing sign that needs to be removed.
2. The existing detached on premise Security National sign shall be removed prior to the installation of the new electronic message center and development sign.
3. The project shall comply with the requirements of the Murray City Power Department that the sign have power provided from the building.
4. The proposed sign shall comply with all setback, height and area limitations for detached on premise signs as outlined in Section 17.48.160 of the Murray Municipal Code.
5. The proposed electronic message center shall comply with all of the standards for EMC's outlined in Section 17.48.200 of the Murray Municipal Code. Plans submitted for a building permit shall include language and design specifications showing compliance with these standards.
6. Advertising on the proposed electronic message center development sign shall comply with the standards for off premises signs outlined in Section 17.48.170. Signage shall be limited to on premise advertising only and shall not include advertising for uses no located on the same property.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Maren Patterson
 A Phil Markham
 A Buck Swaney
 A Sue Wilson
 A Lisa Milkavich

Motion passed 6-0.

EXCLUSIVE ARCHITECTURAL PRODUCT – 5639 South Riley Lane - Project -17-45

Travis Pelch was the applicant present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow a millwork and wood products business operation in the M-G zone at the property addressed 5639 South Riley Lane in the C-G zone and abuts R-1-6 and R-1-8 zoning. The applicant also owns the property to the

north, and to the west is Miller Paving. The City is proposing a number of conditions that revolve around trying to mitigate the impacts of the noise and general operation on the surrounding neighborhoods. This is foremost a mill, but most of the building is taken up by shop space with a small amount of office space. Mill work requires the collection of sawdust for safety and this particular mill is running a lot of wood and is a larger operation and they have a large dust collector attached to the outside of the building to the east. The proposal meets other standards in terms of setbacks and height of the building. The current landscaping along the north and east side are required by the abutting zone. When an M-G zone abuts a residential zone, ten feet of landscaping, and a masonry wall are required. The inside of the mill is very clean due to the usage of a large dust collector. The large dust collector is located near the south east corner of the building. The saw dust is collected in large semi-trucks and hauled away from the site and disposed of. City Staff has received a lot of complaints from the residents in the neighborhood mainly about the noise from the very loud dust collector and some about the trucks in the neighborhood when backing up and beeping. Site visits have revealed that the operation is very loud and the manager, Mr. Pelch, agrees and is willing to take steps to mitigate that and make it better.

Mr. Hall reviewed the conditions of approval, such as the required permits for the installation of the dust collector and the electrical work which will need to received retro-active permits, and indicated that the applicant needs to meet all the fire codes. There are some parking deficiencies on the site currently, although there is plenty of space to provide the needed stalls, they just need to be striped. The city requires an additional fourteen stalls, to include van accessible ADA stalls. Staff is suggesting that trees be planted along the buffer zone to limit the sound and visual exposure. Additionally, the Community and Economic Development Division would like to have a landscaping plan submitted that would include the installation of the recommended trees. The applicant has begun with planting Pine Trees. Staff is also suggesting that the existing wall be replaced with a six foot high solid masonry wall that was never installed when this property first developed. The Hours of operation are suggested to be no earlier than 7:00 a.m. and no later than 8:00 p.m. due to a complaint that the dust collector was operating late into the night. The applicant needs to screen and enclose the dust collector in such a way that sound is diverted away from the residential area. One way to do that could be to enclose the dust collector within the same building by extending the walls of the building. The applicant is currently meeting with contractors that supply acoustic walls to help muffle the sound level. A building permit would be required to install this. Lastly, the applicant needs to obtain a Murray City Business License and operate within the limits and conditions of this approval at all times. Based on the information presented in this report, application materials submitted, and the site review, staff recommends approval to allow the operation of a millwork and wood products business in the M-G zone at the property addressed 5639 South Riley Lane subject to conditions.

Mr. Woodbury asked if the trees that have been planted comply with required size. Mr. Hall stated because the trees are not a frontage landscaping the city does not require any certain size. The trees and sound walls do help to block the noise from things like forklifts and other things near ground level. The dust collector is twenty feet in the air, that's why it is recommended that there be an enclosure around the dust collector.

Mr. Woodbury asked if we have the ability to limit the hours of operation specific to the dust collection. Mr. Hall answered yes, and that the planning commission could allow the business to operate later than the dust collector. In the case of the mill it seems probable that the dust collector may need to be in operation at the same time as the mill.

Travis Pelch, 11595 South Player Road. Mr. Pelch added that everything is self-explanatory and is willing to take care of all of the conditions.

Mr. Swaney asked if the dust collector must run the entire duration of the operating hours. Mr. Pelch stated it would be beneficial to the business to run as long as it can, but does not want to be a nuisance to the neighbors. There are other business functions such as assembly and production that could operate during other hours. He stated they would like to mitigate the sound enough to make it ok for the neighbors so they would be able to operate later. Mr. Markham stated he would like the hours of operation to remain as stated to limit the operation of forklift and truck activity.

Mr. Swaney asked Mr. Pelch to elaborate on what types of methods he has looked into that would enclose the dust collector. Mr. Pelch stated he looked into a sound wall that is used to insulate rooftop units and in schools around machinery. The contractor is trying to design a corrugated metal building that sets in with post and would rise twenty-eight feet tall, projecting about six feet above the dust collector. This would deflect the sound upwards. Mr. Pelch is waiting for the exact plans and would like to understand how successful this will be in insulating the sound before he agrees to the purchase, but he is trying to quickly remedy the situation. The dust collector runs at about 80 decibels until the regeneration fan turns on then the decibels go into the 95 range and he wants to make sure this wall will deaden the sound enough for the neighbors.

Mr. Swaney asked if Mr. Pelch had supplied the contractors with some sort of design criteria for decibel reduction. Mr. Pelch replied that he had not because he is waiting for the contractor to give him a target deal. Mr. Pelch stated he believes the decibel reading at the property lines should not be more than 75 according to code. Mr. Hall stated that 75 decibels are too high of a level to be appropriate for the neighbors, but believes that adding sound or acoustic walls will reduce the sound greatly.

Mr. Markham stated that the feedback from the public was in their words, a frustration that the business came into operation in violation of every rule and regulation that Murray City has pertaining to a business like this, in this location, no building permit, no business license, no electrical permits, no inspections. Mr. Pelch stated these actions were never his intentions. The initial deal when they purchased the building was to clean it up. Then they added manufacturing equipment to the existing manufacturing equipment and thought they were in the same perimeter of operation. He stated that he was not aware that the dust collector needed a permit because it's a big vacuum. He stated he had every intention of being a good neighbor and did not realize they needed other things. He stated he did obtain and paid for a power upgrade from Murray City.

Ms. Milkavich stated she believes Mr. Pelch has good intentions and wanted to clarify the meaning of condition number seven, to enclose the dust collector. Ms. Milkavich asked if it must be enclosed on all four sides and the top. Mr. Swaney stated the condition states enclosed or screened and asked if Mr. Pelch is leaning toward enclosing. Mr. Pelch stated the intention was to enclose by building walls and deflect the sound upward, but he is open to doing whatever is needed. Mr. Markham stated the condition states to divert and not to contain and feels the condition is reasonable.

Mr. Swaney explained the meaning of a Conditional Use Permit processes and explained

how and why certain decisions are made regarding this application.

The meeting was opened for public comment.

Mark Kindig, 5671 Magic Drive, stated he lives on the other side of the houses in the circle and he can hear the noise from the business all the time and feels the proposed six foot wall will not adequately block sound as his dust collector rises above the wall.

Becky Hansen, 5676 South Magic Hansen, stated she is representing a group of neighbors and that the business moved in and immediately started running various equipment, unloading and loading semi-trucks, at all hours of the day and night. They also uncovered dumpsters full of saw-dust that blew into the neighboring yards and home windows. The dust collector when installed started running ten to twelve hours at a time. The noise was so loud that the windows of the home started to rattle. The home values have reduced. Ms. Hansen stated she called Mr. Hall, Ms. Wilson and Mr. Markham to report the disturbances. Ms. Hansen stated that Mr. Pelch is storing R.V.'s on the property and is doing motor vehicle repairs and feels they should all have separate business licenses. Ms. Hansen expressed her concern that the business may return to the disruptive operations after being issued a business license. Ms. Hansen submitted a packet to the City that contains letters about these issues, signatures of the neighbors, and several reports that were filed on the concerns. The group of neighbors are asking that the dust collector be moved away from the homes to the west or north side, dust collector entirely closed with acoustic sound deadening tiles, the mason wall to be an eight foot, tall trees for a visual barrier, and the operation hours limited to between 7:00 a.m. to 5:00 p.m. weekdays and no weekends. Ms. Hansen feels that if these conditions can't be met than this is not the correct place for this business to operate and would like the quietness of the neighborhood to return.

Franklin Shell, 5693 South 150 West, stated he is stricken with COPD and the saw dust aggravates his condition. The bushes that are planted are nice but won't be effective for several years and instead he would like to see a freeway type walls six feet tall.

Kim Sorensen, 5668 South Magic Drive, stated he agrees with the statements of Ms. Hansen and further explained that 75 decibels are equal chamber music in a small auditorium and continued sustained exposure to 90 decibels may cause permanent damage. The noise next to the dust collector is much quieter than it is out away in the neighborhoods. Mr. Sorensen stated on April 19, 2017 at 9:00 p.m. there were three cars at the site and they were operating. There are more homes on the west and east side of the business and no homes on north side of the business because it's all commercial and suggest to move the dust collector to the northwest corner and install an eight foot wall.

The public comment portion was closed.

Mr. Pelch stated he understands the concerns of the neighbors and he did not have the intent to upset any of the neighbors or cause any problems. Mr. Pelch stated his intent is to ensure a positive experience for all the people who come in contact with his business and he is looking forward to getting this resolved.

Ms. Wilson asked if it is feasible to move the dust collector to the north side of the building for operation. Mr. Pelch answered that he did not think it would work because the north side of the building is the front entrance, also the west side is a brand new electrical easement

shared with the Millers. Mr. Pelch believes that he is able to mitigate the sound issues while leaving the dust collector in place. Ms. Wilson asked if Mr. Pelch has considered an eight foot wall. Mr. Pelch stated that every house on the east side is a two-story house and they would need to install a twenty foot wall to stop sound and does not see the value. Mr. Pelch stated the reason why he is considering only two sides and a roof as enclosure to the dust collector is to maintain access for the trucks that take away the waste.

Mr. Markham suggests a few changes to the conditions of approval and states that he does feel that an eight foot masonry wall would make a difference in the sound for the neighbors in the back yard areas and feels it is a reasonable change to condition number four. Also to limiting the hours of operation for the dust collector to be changed on weekends and holidays between 9:00 am to 5:00 p.m. as it would not be reasonable to ban operation on weekends and holidays. Ms. Milkavich asked what the allowed hours of operation in the zone are. Mr. Hall answered that an eight foot masonry wall is allowed in this zone as a buffer and could be imposed as for the limited operation hours there are no recommended hours of operation for this zone, but the fact that this is a CUP proposal means that operation hours can be imposed to reasonably mediate the impacts.

Mr. Woodbury asked who decides if the conditions are actually being followed by the business and if they work. Mr. Hall stated in this case, the challenge is measuring the amount of noise after the walls, etc. are in place to know if it is working. If the measures put in place are not working, then we revisit the issue, if it's not working we will be notified. If we get additional complaints and can't work it out, then additional things may need to be done and may have to come to the Commission again.

Mr. Woodbury stated that the CUP is basically imposing reasonable conditions to mitigate the issues that the neighbors have addressed and we can't impose conditions that may be impossible for Mr. Pelch to address.

Mr. Swaney recommended that a change to condition number seven be added to read, the applicant shall to the maximum extent possible, enclose the dust collector in such a way that sound from the dust collectors operation is attenuated and diverted away from the adjacent residential zone. Mr. Hall stated that as Mr. Pelch moves through the process of building permits we as a city can look at the proposed plans which would include the level of noise that would be blocked and make approvals based on them.

Mr. Markham stated he does not feel we need to strengthen the language as the applicant will work with staff to determine the appropriate needs. Mr. Markham suggested a time limit be put on the conditions in order to avoid a prolonged solution because we need immediate relief within reason. Mr. Hall stated we could add verbiage to state we need to see activity on the enclosure, the wall will take time to install and if it's not completed by the end of the building season we could use deferral agreements with a monetary deposit to insure the continued installation. The trees and shrubs will take time to grow, but the reason we are here today is because the buffering that should have been put into place twenty years ago was not done correctly, so we want to do it correctly today even though they are not going to buffer much just yet.

Mr. Swaney suggested that a practical condition may be to limit the hours of operation on the dust collector until the enclosure is complete. Mr. Woodbury asked if they should even be allowed to operate without a business license. Mr. Hall replied no they should not, but they

have been operating without the knowledge of the city and now when they apply for the business license they will have to pay a penalty fee. Mr. Swaney stated that he believes that due diligence will be completed by the applicant when he completes all the conditions and that should be our concern. Ms. Patterson asked if we limit the hours of operation now, what wording will be put into place that will allow them to increase the operation hours once the buffering is complete. Mr. Woodbury stated we can add a condition that states the limited hours may be lifted once all the conditions and due diligence has been completed.

Mr. Pelch stated that his hours of operation vary depending on the size of jobs he is working on. Some of the larger jobs require a lot of extra hours, and suggested he be able to operate under extended hours and not use the dust collector. Mr. Pelch further stated the employees could enter from the front of the building and just work quietly inside the building.

Ms. Patterson praised the residents of Murray for their, thoroughness, hard work, and input that was put into bringing this issue to the Commission. Mr. Markham encouraged the residents to stay vigilant because the City was unaware that this business was operating until it was brought to our attention.

Mr. Swaney explained the proposed changes for conditions number four, six, and seven to the applicant and asked if he is able to comply with all the conditions.

Travis Pelch, stated he has reviewed the conditions and will be able to comply

Mr. Woodbury made a motion to grant Conditional Use Permit approval to allow a millwork and wood products business operation in the M-G zone at the property addressed 5639 South Riley Lane subject to the following conditions with the revised pre-discussed amendments:

1. The applicant shall obtain building permits for all changes that have been made or need to be made to the building including electrical work, the installation of the dust collector, and other exterior building changes.
2. The applicant shall meet all applicable building and fire codes and provide a fire sprinkler system, dust collection equipment, and alarm systems to include monitoring as well as emergency and exit lighting.
3. The applicant shall provide an additional 14 parking stalls on-site, including one additional ADA compliant stall, in accordance with the requirements of Chapter 17.72.
4. The applicant shall install an eight foot high, solid masonry wall along the east and south property lines in accordance with Section 17.152.110.
5. The applicant shall submit a landscaping plan to include the installation of trees at regular intervals to provide additional visual and sound buffering along the east and south property lines.
6. The hours of operation of the dust collector are limited to no earlier than 7:00 a.m. and no later than 8:00 p.m. Monday through Friday and no earlier than 9:00 a.m. and no later than 5:00 p.m. on weekends and holidays. Until condition number seven is met the hours

of operation for the dust collector operation shall be limited to no earlier than 7:00 a.m. and no later than 5:00 p.m. Monday through Friday.

7. The applicant shall, to the maximum extent practicable, enclose the dust collector in such a way that sound from the dust collector's operation is attenuated and diverted away from the adjacent residential zones and uses.
8. The applicant shall obtain a Murray City Business License and operate within the limits of the conditions of approval contained in the Conditional Use Permit.

Seconded by Mr. Patterson.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Maren Patterson
 A Phil Markham
 A Buck Swaney
 A Sue Wilson
 A Lisa Milkavich

Motion passed 6-0.

EMI HEALTH – 5101 South Commerce Drive – Project #17-42

Michael Greenhalgh was the applicant present to represent this request. Jim McNulty reviewed the location and request to approve a 1 Lot Subdivision for a consolidation of the properties addressed 5075, 5093, 5097, 5101, 5125, 5131, 5135, 5139 S. Commerce Drive & 5123 South 200 West in the M-U zone. This proposal is to take the nine properties and identify them as one legal lot for a commercial subdivision which will house the new EMI building which is currently being processed by the Murray Building Department. The building will be approximately 88,000 square feet, and will provide a number of jobs and good employment for the City. This application for a subdivision plat is to identify the easements because there is a seven foot easement along Vine Street and a ten foot easement on Commerce Drive which will be legal and will be recorded. This project does comply with State requirements and Murray City Ordinance 16.04.100.B.1. Based on the information presented in this report, application materials submitted, and the site review, staff recommends that the Murray Planning Commission forward a recommendation for preliminary and final subdivision plat approval to the Mayor for the proposed subdivision located at the properties addressed 5075, 5093, 5097, 5101, 5125, 5131, 5135, 5139 S. Commerce Drive & 5123 South 200 West to conditions.

Michael Geenhalgh, 852 East Arrowhead Lane, Murray, stated he has reviewed the conditions and will be able to comply.

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

Mr. Woodbury made a motion to forward a recommendation for preliminary and final subdivision plat approval to the Mayor for the proposed subdivision located at the properties

addressed 5075, 5093, 5097, 5101, 5125, 5131, 5135, 5139 S. Commerce Drive & 5123 South 200 West subject to the following conditions:

1. The applicant shall meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorder's Office. The subdivision shall meet the following Engineering requirements:
 - (a) The proposed subdivision must meet all City subdivision requirements;
 - (b) A bond must be provided for all public improvements including any required rail safety improvements;
 - (c) Public Utility and Drainage easements are to be provided per City requirements;
 - (d) Provide Vine Street right-of-way dedication and installation of sidewalk, park strip and eastbound traffic lanes as part of site development;
 - (e) Upon receiving Planning Commission approval, a PDF copy of the plat is to be submitted to the Engineering Division for final review.
2. The plat shall show utility easements to meet the subdivision ordinance regulations.
3. The project shall comply with any Murray City Water and Sewer Department requirements for the subdivision plat.
4. The project shall meet all applicable building and fire code standards.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Maren Patterson
 A Phil Markham
 A Buck Swaney
 A Sue Wilson
 A Lisa Milkavich

Motion passed 6-0

CURTIS VLAM / ONE STOP AUTO – 257 West 4800 South – Project # 17-41

Curtis Vlam was the applicant present to represent this request. Jared Hall reviewed the location and request for a Zone Map Amendment from Mixed Use, M-U to Manufacturing General, M-G for the property addressed 257 West 4800 South. The request is for a single piece of property be changed from Mixed Use to Manufacturing zone which is supported by the currently adopted General Plan. The Future Land Use Map that was forwarded to the City Council from the Planning Commission did not support the M-U zone, but the change was imposed by City Council at the adoption which zoned this particular property to Manufacturing. This is a developed property and there are no current proposed changes. The property owner desires to add a second business in the existing building such as car sales.

Mr. Woodbury asked if there are any other uses that would be allowed in this change request

that would cause a potential conflict. Mr. Hall answered the main differences between the M-U and M-G zones are the size of operation, you can do many similar types of things in the Manufacturing Zone but you were limited in size to 12,000 square feet and now you are not. The largest change is vehicle sales, and any vehicle uses are currently not allowed in the M-U Zoning, but they are allowed in M-G zone.

Based on the above findings, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment for the property located at 257 West 4800 South from Mixed Use (M-U) to Manufacturing General (M-G) subject to conditions.

Curtis Vlam, 2897 East Water Vista Way. Mr. Vlam offered to answer any questions. There were none for the applicant.

The hearing was opened for public comment for the Zone Map Amendment from Mixed Use to Manufacturing General. No comments were made. Mr. Swaney closed the public hearing for the Zone Map Amendment from Mixed Use to Manufacturing General.

Mr. Woodbury made a motion to forward a recommendation of approval to the City Council for the requested Zone Map Amendment for the property located at 257 West 4800 South from Mixed Use to Manufacturing General. Seconded by Ms. Milkavich.

Call vote recorded by Jared Hall.

 A Scot Woodbury
 A Maren Patterson
 A Phil Markham
 A Buck Swaney
 A Sue Wilson
 A Lisa Milkavich

Motion passed 6-0

HAMLET DEVELOPMENT – 820 & 830 East 5600 South – Project # 17-46 – Public Hearing

Michael Brodsky was the applicant present to represent this request. Jared Hall reviewed the location and request for a Zone Map Amendment from C-D to R-M-15 for the properties addressed 820 and 830 East, 5600 South. The applicant is representing Hamlet Homes. The subject properties are commonly known as the Judge Howe property. Whispering Pine Drive ends in a cul-de-sac near the south end of this property. To the east is Fresh Market and Village Cleaners. There has been a boundary survey done for the site in order to create parcel descriptions to process the zone change appropriately. There are two single-family homes on the property now that have been catalogued by the History Board as historical structures. The properties are currently in the C-D zoning district and the request is to change to R-M-15. Across the street is R-M-20, to the east is C-D Zoning, R-1-8 zoning on the Church property to the west and R-1-6 zoning to the south along Whispering Pine Drive. The proposed zone change complies with the Future Land Use Map. Staff has received concerns from the neighbors in the cul-de-sac that the Whispering Pines road might become a through street to the new project, which is a possibility. According to the survey the right-of-way for the cul-de-sac extends to the property line and has always been anticipated, as

confirmed by the City Engineer. It is likely that any development regardless of zoning on this property will bring the road through.

Ms. Patterson asked why the property was zoned C-D if it has been single-family for so long. Mr. Hall stated it has been C-D since the last round of the General Plan, about thirteen years ago, but was unsure why it has been designated C-D. Ms. Patterson commented it might have been because they thought it might be a future land use. Mr. Hall stated it is possible that they could have thought the Fresh Market retail complex might have extended further west and it would be retail as well.

Mr. Swaney commented this is an interesting down zoning to a land use that is in line with the Future Land Use plan which doesn't happen often. Mr. Hall stated this does not happen often, but Staff does feel like it fits well as the zoning would be good for the area in terms of the other density nearby, and what is planned for the future.

Based on the above findings, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the requested Zone Map Amendment for the property located at 820 and 830 East 5600 South from C-D to R-M-15.

Michael Brodsky, 308 East 4500 South, stated Hamlet Homes is the contract purchaser on this property. He indicated they are proposing to develop a community with a mixture of single family homes and town homes and feels the Medium Density is very appropriate and will be an enhancement to the community. Prior to the adoption of the General Plan the permitted use on the property was not conducive to the neighborhood.

The hearing was opened for public comment for the Zone Map Amendment from C-D to R-M-15.

Jim McBeth, 5681 Whispering Pine Drive, stated he does not have an issue with a change in zoning, but does take issue with putting a road to the new development through the subdivision. The streets are narrow and people park cars on both sides of the street all the time making it hard to get through. Mr. Beck asked why the street can't be accessed from 5600 south.

George Kendle, 795 East Whispering Pine Drive, stated the project will literally be built in his back yard, but does not have an issue with it because they are nice looking homes. Mr. Kendle stated he does have an issue with the narrow road because emergency vehicles will make noise and do not have enough space to get through. Mr. Kendle stated that the school bus drives 40 miles per hours and suggested the city install speed bumps to protect the children of the neighborhood. Mr. Kendle asked who would be responsible to clean the streets when the construction begins and would the associated vehicles use this street to stage the construction vehicles.

Ren Shepard, 5641 Whispering Pines Circle, stated he has lived here for over thirty years and the road is about the size of a one lane road. He stated there are many people who live along the road which are renters with multiple families with numerous cars in one unit. Mr. Shepard stated he is glad the land will be developed but wished the entrance would be from 5600 South.

Christine Smith, 797 East Whispering Pine Drive, stated cars come along Vine Street at a

very fast speed which makes merging difficult. There is also a blind area when cars turn onto Whispering Pine Drive from Vine Street.

Christine McBeth, 5681 Whispering Pine Drive, stated Mr. Dan McCann, who lives on the other side of the twin home had to leave the meeting earlier and asked her to relay his comments. Ms. McBeth stated Mr. McCann felt that additional residents in the subdivision should have been notified of this proposal as the impacts would affect the entire subdivision and not just those who were notified. Mr. McCann was notified but Ms. McBeth was not notified. Ms. McBeth asked how many units or homes would be in the new development. Ms. McBeth asked if it would be possible that more people in the neighborhood be notified in the future.

Mr. Swaney answered that we are uncertain how many homes would be in the development but, the zoning would allow for twelve units per acre.

Mr. Swaney closed the public hearing for the Zone Map Amendment from C-D to R-M-15.

Mr. Hall stated the city does not have any specific details about the homes because we don't have an application for them, this is a zone change application. When a subdivision application is submitted it will also come before the Planning Commission for a public meeting.

Mr. Hall addressed how the City sends public notices out and explained we do notice everybody that owns property within three hundred feet of an application, we also post a notice in the newspaper, City website, and State website as well as post it on the subject property.

Mr. Hall recalled a conversation with the City Engineer and explained some phone calls that were received on prior inquires of this property stating, the City Engineer had indicated in the past that he will require development of this property to include the cul-de-sac to be connected out to 5600 South. Mr. Swaney asked for clarification that the City Engineer is requiring it. Mr. Hall clarified that Engineering and Planning Divisions will recommend that any road serving development of these properties will connect Whispering Pine directly through to 5600 South, so traffic would not have to flow through Whispering Pine Drive.

Mr. Markham made a motion to forward a recommendation of approval to the City Council for the requested Zone Map Amendment for the property located at 820 and 830 East 5600 South from C-D to R-M-15. Seconded by Mr. Woodbury.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Maren Patterson
 A Phil Markham
 A Buck Swaney
 A Sue Wilson
 A Lisa Milkavich

Motion passed 6-0

OTHER BUSINESS

Mr. Woodbury asked the staff to put the agenda items in order by anticipated public comments. Mr. Hall stated he will address it with Staff.

Mr. Swaney stated that his vote to approve Dead City was cast in a way to support the decision of the Hearing Officer, but he disagrees that any conditions can be imposed on this business to make it meet the standards of the Conditional Use approval. Mr. Swaney stated he does not believe that a positive outcome will come from the approval or be able to do the things that Conditional Uses are supposed to do. Mr. Swaney asked staff to consider removing that from the conditions in the proximity of Cemeteries. Mr. Swaney felt he did not like being forced into this position and does not agree with this land use decision. Ms. Patterson recalled that this is an allowed use as the property is zoned for this use. Mr. Swaney stated he is aware but requested that Staff look further into this concern. Mr. Markham agreed that it is not a preferred use in this area, but there is nothing we can do as zoning allows the use. Mr. Swaney stated he hopes Murray City would contribute a significant amount of enforcement during this Halloween season. Mr. Hall agreed and stated if we are stuck with this we should be proactive and enforce the conditions of approval. Mr. Swaney stated he feels that Mr. Riggs should be required to cover the cost in some way. Mr. McNulty stated he had a chance to speak to Legal Counsel during the meeting and was informed it will be the Murray City Police to enforce the security of the cemetery and further inquiries should be directed to them. Ms. Milkavich stated the cemetery should be signed better with clear limitations, that it is off limit between certain times of the year as there are currently no signs.

The meeting was adjourned at 9:29 p.m.

Jared Hall, Manager
Community and Economic Development