

Minutes of the Planning Commission meeting held on Thursday, May 16, 2019, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Ned Hacker, Chair
Phil Markham
Lisa Milkavich
Travis Nay
Scot Woodbury
Jared Hall, Community & Economic Development Supervisor
Zac Smallwood, Associate Planner
Briant Farnsworth, Deputy City Attorney
Citizens

Excused: Maren Patterson
Sue Wilson

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 Division Office.

Ned Hacker 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 May 02, 2019 Planning Commission meeting. Seconded by Ms. Milkavich.

A voice vote was made, motion passed 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Fact for EOS Fitness and Renaissance Services. Seconded by Mr. Nay.

A voice vote was made, motion passed 5-0.

VALLEY BEHAVIORAL HEALTH – 6256 & 6230 South 900 East - Project #19-030

Brad Christopherson was present to represent this request. Jared Hall reviewed the location and request to allow the construction of a new building used for the operation of a daily program caring for adults with autism in the R-N-B Zone on the property located at 6256 & 6230 South 900 East. Mr. Hall explained that the properties were recently rezoned from Agricultural to R-N-B zoning. The requirements of the R-N-B Zone provide ample buffers between Residential Zones and Commercial Zones. The building is two stories, about 7,600 square feet on each floor. The building will be situated on the north side of the property to allow for parking to the west and south sides of the property. The two-story building will serve as a facility to teach life skills to adults with Autism, the facility is for day use only, no participants live on site. The interior layout will resemble a school with classrooms, eating areas and craft rooms. The main floor plan will provide an entrance to the lobby, office space, craft space and exercise rooms. The second floor will provide additional classroom and open space. There is also a small patio area on the west side of the building that will be used for

activities. Participants in the Adult Autism program are driven to and from the site and dropped off. Parking will mostly be utilized exclusively by visitors and staff. The facility is overparked for the proposed needs and will provide 65 parking spaces, with two ADA stalls. The entire west side of the property line is buffered with landscaping as well as an 8-foot masonry fence as required by ordinance. The submitted Landscape Plan meets the requirements of the R-N-B Zone as well as Section 17.68. Lighting in the parking lot will be provided by downward facing, 18-foot pole lights and will measure as zero-foot candles along all the property lines. Ingress and egress are proposed from 900 East. The building elevations provide a residential appearance with the use of weathered wood hardi-board, stone veneer, pitched roofs and structural staggering. Businesses with similar exterior features and massing exist along 900 East. This new development will continue the pattern of this type of look and feel. The R-N-B Zone allows hours of operation from 7:00 a.m. to 10:00 p.m. however this business will not operate this late. State Code states that Cities must approve Conditional Uses as long as they are meeting City Codes and mitigating any negative impacts. The zoning for this area is an appropriate designation as the R-N-B Zone is designed to mitigate and provide buffering for Residential Uses. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed construction of a new building used for the operation of a daily program caring for adults with autism meets the requirements of the R-N-B Zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Mr. Markham asked what the staff to student ratio will be for this business. Mr. Hall replied that participation in the program fluctuates and that the ratio is one staff for every two participants in the program. The building will support up to 50 participants and staff.

Mr. Nay stated that condition # 3 indicates that any damaged sidewalk must be replaced along Holly Avenue and asked if this would include the curb cut. Mr. Hall stated that they would be required to remove any unused curb cuts.

Brad Christopherson, 2118 East 3900 South # 300, Holladay, General Counsel for Valley Mental Health, stated he and the Executive Team had read the Conditions of Approval and will be able to comply. Mr. Christopherson stated he has been working with City Staff for the past 6 months on this project and they are eager to move forward.

The meeting was opened for public comment.

Rob Benson, 6195 South Glen Oaks Street, stated he lives directly west of the site and that he believes the building looks good. Mr. Benson stated he has a small yard, with 2 telephone poles that have 17 connections on one and 30 on the other and asked if something that could be done to bury the tangled utility wires.

Scott Lovell, 891 East Holly Avenue, stated he prepared written information with the intent of submitting it for review to the Planning Commission and that the information in his packet will support his opinion that there is inconsistency with the location of this type of facility and is not in favor of this application. Mr. Lovell briefly reviewed his information and explained that he mapped many facilities that he considered to have similar uses in the Salt Lake Valley which are more appropriately located.

The public comment portion for this item was closed.

Mr. Hall stated that the R-N-B Zone is a commercial type of zone that allows residential uses

as well. The R-N-B Zone specifically addresses the use, property and building design to help buffer the abutting residential uses. Mr. Woodbury added that there are medical and small office buildings abutting this property that seem to be similar in size to the proposed facility and they are functioning well in this area because of the smaller scale of operation.

Ms. Milkavich stated that she appreciates the information provided by Mr. Lovell, but it was submitted in such short notice that she does not feel comfortable providing an opinion without enough time to review the packet. Mr. Markham stated that he agrees with Ms. Milkavich and wondered if it would be presumptuous for nearby neighbors to assume that the previously existing Agricultural Zoning here would remain the same indefinitely. Mr. Hall replied that it would be presumptuous to assume in this case that the zoning would stay Agricultural indefinitely because zones change all the time. Mr. Hall addressed the resident concern about the utility poles and lines being such a mess in his back yard and stated that the City can find out which entity owns the lines and poles to see if they can possibly be buried. Mr. Woodbury stated that in his opinion the R-N-B Zone is well thought out and has existed for a long time. The general feeling from previous R-N-B zone changes has been very positive in accomplishing exactly what it was designed to do, which is to provide a buffer for both the intended use as well as look and feel. Mr. Woodbury stated that he believes Staff has done a good job in preparing information for the Commissioners to consider before the Public Hearing and he approves of the use.

Mr. Woodbury made a motion to approve a Conditional Use Permit to allow the construction of a new building used for the operation of a daily program caring for adults with autism on the property located at 6230 South 900 East subject to the following conditions:

1. The project shall meet all requirements of the City Engineer, including the following:
 - Meet City storm drainage requirements, on-site detention/retention is required. Implement Low Impact Development (LID) practices where applicable and avoid directing any storm water run-off toward adjacent properties.
 - Obtain written approval for any modifications or interruptions to the Walker ditch that runs at the back of sidewalk along 900 East. The irrigation pipe is old, shallow corrugated metal and should be replaced through the drive access.
 - Replace any damaged sidewalk along both 900 East and Holly Avenue property frontage. Include a catch basin and connection to City storm drain.
 - Obtain UDOT access review and permit for proposed access on 900 East and any related work on 900 East.
 - Provide a copy of the Traffic Impact Study.
 - Develop a site SWPPP and obtain a Land Disturbance Permit prior to beginning any site work.
 - Obtain a City Excavation Permit for work in the Holly Avenue right-of-way.
2. The project shall meet all applicable Building and Fire Codes and meet all requirements for suppression, hydrants, and egress in the 2015 IFC.
3. The applicant shall disconnect older water services before a new meter is set.
4. The applicant shall provide a minimum clearance from the overhead transmission line on 900 East of at least 20 feet, and minimum clearance from the overhead line on the west property line of at least 15 feet.

5. The applicant shall provide full plans and obtain building permits for all proposed work.
6. The applicant shall provide the improvements to the parking lot as proposed, including no less than 65 parking stalls with two ADA accessible stalls.
7. The applicant shall provide a trash enclosure meeting the requirements of Section 17.76.170 of the Murray City Land Use Ordinance.
8. The applicant shall obtain a Murray City Business License prior to beginning to offer classes on the site.
9. The applicant shall install and maintain the proposed landscaping in compliance with Chapter 17.68 of the Murray City Land Use Ordinance, including required irrigation plans.
10. The applicant shall install an eight foot (8') solid masonry wall adjacent to residentially zoned properties as indicated on the Site Plan and in the Staff Report.
11. Parking or staging of construction equipment on Holly Avenue is not allowed.
12. Parking lot lights shall be no more than 18' in height, shielded and directed downward, and located according to the photometric plan provided and attached to the Staff Report assuring that no light spill will cross property lines.
13. Hours of operation are limited to 7:00 a.m. and 10:00 p.m. only.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Hall.

 A Scot Woodbury
 A Lisa Milkavich
 A Phil Markham
 A Travis Nay
 A Ned Hacker

Motion passed 5-0.

DEBORAH CRANE – 4981 South Lincoln Street - Project #19-054

Deborah Crane was present to represent this request. Zac Smallwood reviewed the location and request to allow a detached Accessory Dwelling Unit (ADU) in the R-1-8 Zone on the property located at 4981 South Lincoln Street. Mr. Smallwood explained that the home is a 2,800 square foot (sq. ft.), single-family home. The proposed ADU will be 998 sq. ft., have two bedrooms and will be located at the rear of the property behind the existing home. The existing barn at the rear of the property will be demolished to allow for the ADU to be built. Per Murray City Land Use Ordinance, Accessory Dwelling Units may not be used for temporary rental. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed detached Accessory Dwelling Unit meets the requirements of the R-1-8 Zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Mr. Woodbury commented that he is in favor of condition # 8 that states temporary rentals are not allowed.

Deborah Crane, 4981 South Lincoln Street, stated she had read the conditions of approval and will be able to comply.

Mr. Woodbury asked if there was an appropriate amount of driveway provided to allow for vehicle parking. Ms. Crane replied yes; it is a newly poured pad of concrete that would support vehicle parking.

The meeting was opened for public comment. There was no public comment for this agenda item and the public comment portion for this item was closed.

Mr. Nay made a motion to approve a Conditional Use Permit to allow a detached Accessory Dwelling Unit (ADU) on the property located at 4981 South Lincoln Street subject to the following conditions:

1. The project shall comply with all applicable Building and Fire Code standards.
2. The applicant shall not locate sewer or water services under any driveways.
3. The applicant shall provide complete, engineered plans for review by the Building Division.
4. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
5. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
6. The property owner shall complete and record with the Salt Lake County Recorder's Office, the Accessory Dwelling Unit – Owner Occupancy Affidavit (Provided by Community & Economic Development). A copy of the recorded document shall be provided to the Murray City Community and Economic Development Division prior to occupancy of the ADU.
7. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU. Rental of the ADU must meet the requirements of the Murray City Land Use Ordinance.
8. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used as temporary rentals such as an Airbnb or VRBO.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

 A Travis Nay
 A Phil Markham
 A Lisa Milkavich

A Scot Woodbury
A Ned Hacker

Motion passed 5-0.

EXPRESS CAR WASH – 4608 South 900 East - Project #19-056

Jeff Wood was present to represent this request. Zac Smallwood reviewed the location and request to demolish three existing single-family homes and construct a quick service car wash in the C-D Zone on the property located at 4608 South 900 East. Mr. Smallwood explained that the proposed location abuts a self-storage complex to the west and townhomes to the North. The site currently has three homes on the property that will be demolished. The applicant has proposed a north and south access for the Carwash and the City Engineer has asked that the south access be removed, however Staff will work with the applicant to produce a site plan that will conform to the Engineering requirements and provide options for egress and ingress. The applicant has proposed 22 parking stalls which Staff has determined is more than adequate for this use. The Planning Commission has the authority to address parking if they believe there is any concern for overparking. Stacking for each car wash station would allow for 6 cars in each lane. The materials that will be used for the building are masonry, hardi-board, metal paneling and will be in yellow and orange colors. The applicant will need to work with Staff to develop a landscape plan that meets the requirements of Section 17.68 of the Murray City Land Use Ordinance. During a site visit Staff noticed a large amount of dense foliage on the north property line abutting the townhomes and will require an 8-foot masonry fence be installed along the property lines to mitigate any possible noise or light. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed demolition of the three existing single-family homes and construction of a quick service car wash meets the requirements of the C-D Zone and recommends that the Planning Commission approve a Conditional Use Permit subject to the conditions as outlined in the Staff Report.

Mr. Markham asked when the new masonry fence is installed could the property owners also keep the existing vinyl fence if they wished. Mr. Smallwood replied yes, they could because the masonry fence will be installed on their own property, or they could work with the residents of the townhomes to see if they wish to replace the vinyl fence.

Mr. Nay stated that he believes that 22 parking stalls seems like too many because there is no lobby for patrons and the cars would only be queuing and leaving. Ms. Milkavich asked how many employees would work at the business like this. Mr. Markham asked if all the parking stalls are all used for vacuuming bays. Mr. Smallwood replied yes; they are all vacuuming bays. The Commissioners agreed that they are comfortable with the 22-parking on the site plan as the applicant proposed.

Jeff Wood, 3135 South Richmond Street, S.L.C, stated he had read the conditions of approval and will be able to comply. Mr. Richmond thanked City Staff and Engineering for working with him and that he will continue to find a way to provide the double access. Mr. Wood asked if parking stall could be reduced to 20 stalls to allow for flexibility for the development of the double access. This building will accommodate 4 to 5 employees on site.

Mr. Nay asked how the parking spaces were calculated and why there are so many proposed. Mr. Wood explained that they proposed a lot of parking stall because they want to avoid the possibility that once a patron has gotten a carwash that they always have an open vacuum

stall, even if it's busy. It's not anticipated that all the vacuums will be used at the same time, but we want to provide the perception that they can always get to an open vacuum. Mr. Woodbury asked if there is a minimum number of stalls that they would feel more comfortable with, to avoid having to come back and amend the Conditional Use Permit in the future. Mr. Wood replied that 20 parking stalls would be the minimum. Mr. Hacker stated that he believes 20 stalls and one ADA stall would accommodate the vacuums and employee parking. Mr. Markham stated that the site plan is not yet complete and wondered if the applicant leaving enough room for flexibility to develop the site and possibly proposing too many parking stalls.

Mr. Hacker asked for more information about the grade change on the property. Mr. Wood replied that from the highest point to the lowest point is almost a 9-foot grade change that falls on the north side and from the east to the west is almost a 6-foot grade change. The intention is to raise the site and retain the area to balance the site.

The meeting was opened for public comment.

Kathleen Hogan, 884 East Red Sage Lane, stated she is on the Homeowners Association Board and a resident of the townhomes. Ms. Hogan asked what the hours of operation will be, where will the water supply will come from, will the lights shine too bright, and where the signage will be located. Ms. Hogan stated she is not opposed to the car wash use but is concerned how it will affect the nearby homeowners.

The public comment portion for this item was closed.

Jeff Wood, applicant, stated the hours of operation are anticipated to be from 8:00 a.m. to 8:00 p.m. but in the winter months patrons do not usually come out as early or late. Signage will be located on the building facing 900 East and anticipates some type of signage out on 900 East. Mr. Wood commented that out of respectful for the neighbors the sign could be located further down 900 East if the it would be allowed. Mr. Woodbury stated that Staff will address where the sign can be located and that the 8-foot fence should block any potential headlights from shining onto the abutting property and the interior building and parking lot lighting will be buffered by the dense foliage as well as all lighting will be installed to code requirements. Mr. Markham stated that he believes that the water pressure should not affect the residents in the condos because the townhomes are not in Murray City and the source would be from a different Municipality.

Mr. Smallwood explained that the City does allow two-square feet of signage for every linear foot of building length to be attached to the building. Mr. Smallwood explained that he believes there will be a small monument sign in the front as well. The City will adopt a new Sign Code next week and we review any proposed signage by the new code. Mr. Smallwood stated that Staff asked the applicant if they were able to flip the building so that cars would exit on the opposite side of the property, but it was not feasible and actually works better because only one car will exit the tunnel at a time near the north property. Mr. Woodbury recalled that the wall is 8-feet tall and should block any headlights. Mr. Smallwood stated that he does not have any concerns about the water supply. Mr. Hall addressed the concern about the parking lot lights and stated that in commercial properties the City does not allow lights higher than 18-foot tall and always requires downward facing lighting to achieve zero-foot candles at the property lines. This use is primarily a daytime function so there won't be too many cars after dark. Mr. Smallwood addressed the concern about reducing the parking stalls and stated that the Planning Commission has the authority to reduce the parking minimum and the applicant can always build more. Ms. Milkavich asked if establishing a minimum is also establishing a

maximum. Mr. Smallwood replied no, it's just a minimum.

Mr. Nay asked what the volume of car dryers are and does the bay door open and close or are the bay doors open the entire time and what are the Health Department requirements for noise at the property line. Mr. Smallwood replied that there will be doors at the end of the tunnels which won't go up and down all the time. The bay doors will only close during less busy times and during inclement weather. The bays are designed in a way to mitigate the sound from the dryers as well. Mr. Hall stated he believes the decibel volume will be well below the requirement of the County Health Department and could be measure in the future if necessary.

Mr. Nay made a motion to approve a Conditional Use Permit to allow a Car Wash business on the property located at 4608 South 900 East subject to the following amended conditions:

1. The applicant shall meet all the requirements provided by the City Engineer.
 - a) Meet City drainage Requirements, on-site detention/retention is required. Implement Low Impact Development (LID) practices where applicable and avoid directing any storm water run-off towards adjacent properties.
 - b) Replace any damaged sidewalk and curb and gutter along property frontage. Upgrade sidewalk through access to meet current standards.
 - c) Eliminate south access, meet City access management standards for a minor arterial roadway.
 - d) Develop a site SWPPP and implement prior to beginning any site work.
 - e) Obtain a City Excavation Permit for work in the City right-of-way.
2. The applicant shall provide complete stamped plans, calculations and a soils report at the time of Building Permit application.
3. The project shall follow all fire suppression and sprinkler requirements as stated in the International Fire Code (IFC) 2018.
4. The applicant shall work with Community Development and Engineering Staff to complete a Site Plan that meets the Murray City Access Management requirements.
5. A landscape plan meeting the requirements of Section 17.68 of the Murray City Land Use Ordinance is required. All required landscaped areas shall be maintained in good condition at all times.
6. A dumpster enclosure with a solid gate is required to comply with Section 17.76.170 of the Murray City Land Use Ordinance.
7. Staff recommends that the Planning Commission accept the proposed fifteen (15) parking spaces including the one (1) ADA van accessible space as outlined in the Staff Report.
8. The applicants shall install an eight-foot (8') masonry fence along the north border of the property.
9. The applicants shall maintain a Murray City Business License in good standing and abide by all associated regulations therein.

10. The applicants shall obtain a sign permit prior to the installation of any attached business signage

Seconded by Ms. Milkavich.

Call vote recorded by Mr. Smallwood.

 A Travis Nay
 A Lisa Milkavich
 A Scot Woodbury
 A Phil Markham
 A Ned Hacker

Motion passed 5-0.

OTHER BUSINESS

Mr. Hall stated that we normally have two Planning Commission Meetings a month but in the month of July one of the meetings would fall on July 4th and it was decided to cancel that meeting. The only meeting that will be held in that month will be on July 18, 2019. Mr. Hall informed the Planning Commission that Medical Cannabis was legalized in the state of Utah and that the City is in the beginning stages of writing code to address it. Another thing to keep in mind is that some interest has been shown by a resident to allow Short-Term Residential Rentals and Staff will collect thoughts on it in the near future. Mr. Hall added that Staff is looking at changing the Auto Sales Ordinance to require a minimum property size. Mr. Hall announced that Murray City received funding approval of \$75,000.00 for a study of the Fashion Place West Transit Station that will give the City a way to look at the connection to the Fashion Place Mall and potentially give us zoning direction that would be written specifically for that area. Mr. Markham asked if there is any thought to where the cannabis businesses would be allowed to operate. Mr. Hall stated that Jim McNulty is just starting to work on an ordinance draft now and will provide more information to come.

Ms. Milkavich stated that she received strong communication from a previous resident who moved from Murray City because she could not get any Code Enforcement. Mr. Hall took note.

Mr. Woodbury made a motion to adjourn. Seconded by Ms. Markham.

A voice vote was made, motion passed 5-0. The meeting was adjourned at 7:37 p.m.


Jared Hall, Supervisor
Community and Economic Development