

Minutes of the Planning Commission meeting held on Thursday, September 5, 2019, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Ned Hacker, Chair
Sue Wilson, Vice Chair
Phil Markham
Travis Nay
Maren Patterson
Jared Hall, Planning Division Manager
Zac Smallwood, Associate Planner
Briant Farnsworth, Deputy City Attorney
Citizens

Excused: Scot Woodbury
Lisa Milkavich

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. Nay made a motion to approve the minutes from the August 15, 2019 Planning Commission meeting. Seconded by Ms. Patterson.

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 Anahata Reiki Healing Arts, Mount Liberty College, Unique Plumbing LLC, CDI Craig Fisher Painting, and Shiozawa, ADU. Seconded by Ms. Wilson.

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

SECOND CHANCE THRIFT STORE –153 East 4370 South, #18 - Project #19-109

Aide Ornelas was present to represent this request. Jared Hall reviewed the location and request to allow the operation of a secondhand thrift store to be located on the property addressed 153 East 4370 South, #18 within the C-D Zone. Mr. Hall explained that this is a retail shop for clothes, and shoes but the secondhand use is what determines this to be a Conditional Use. The floor plan shows several rows of shelves, a checkout counter, mechanical room and a small restroom. The subject property includes 44 parking spaces that are shared between the units. This shop will not place an undue burden on the parking. The site does not have any ADA parking stalls and will be required to add one ADA accessible stall and one van accessible ADA stall. Staff also recommends that the dumpster be enclosed. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed second hand thrift store meets the requirements of the C-D

Zone and recommends that the Planning Commission approve a Conditional Use Permit (CUP) subject to the conditions as outlined in the Staff Report.

Mr. Markham asked what would happen if the property owner is unwilling to complete the required upgrades to the property. Mr. Hall stated if that happens then we would not issue a business license to operate. We would try to work with the property owner as best we can, and we also have the option to use a small deferral if necessary.

Aide Ornelas, 3259 South Eastcrest Road. Mr. Hall translated for Ms. Ornelas and confirmed that she has reviewed the conditions of approval and will be able to comply.

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.

Ms. Patterson made a motion to approve a Conditional Use Permit to allow a Secondhand thrift store on the property located at 153 East 4370 South, Suite # 18, subject to the following conditions:

1. The property owner shall work with Planning Division staff to provide two (2) ADA compliant parking spaces on the site, including a minimum of one (1) van accessible parking space.
2. The property owner shall work with Planning Division staff to provide a trash enclosure to meet the requirements of Section 17.76.170 of the Land Use Ordinance.
3. The applicant shall obtain a Murray City Business License prior to beginning operations at this location.
4. The project shall meet all requirements of the Murray City Fire Department.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

 A Maren Patterson
 A Phil Markham
 A Travis Nay
 A Sue Wilson
 A Ned Hacker

Motion passed 5-0

ANDREW DIXON – 1063 West Aaron Park Cir - Project #19-115

Andy Dixon was present to represent this request. Zac Smallwood reviewed the location and request to allow an Accessory Dwelling Unit (ADU) to be located on the property addressed 1063 West Aaron Park Circle, within the R-1-8 Zone. Mr. Smallwood explained that the site is currently a vacant lot and is part of the Wild Rose Subdivision. When the applicant came in to obtain a building permit to build the home, Staff noticed that there was an ADU being proposed. Prior to applying for the building permit, Staff asked that the applicant get the ADU approved. The proposed ADU will be above the attached garage have two entrances that will

be off to the side of the home and from inside the garage. The proposed footage for the ADU is 957 square feet and is still within the allowed amount per City Code. The home will have a three car garage and will provide ample off street and driveway parking. Based on the analysis of the submitted materials and Land Use Ordinance standards, Staff has determined that the proposed 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.

Andy Dixon, 235 East 6490 South, Midvale, stated he has reviewed the staff recommendations and will comply with the conditions.

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.

Ms. Patterson made a motion to approve a Conditional Use Permit to allow an Accessory Dwelling Unit on the property located at 1063 West Aaron Park Circle, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. Interconnected smoke detectors and CO sensors shall be provided throughout the house.
3. Separately controlled heating shall be provided for each area, such as base board heating, a dual zone furnace, etc.
4. Access from the ADU to a circuit breaker panel shall be provided.
5. Appropriate egress windows and window wells shall be provided.
6. The applicant will obtain a Murray City Building Permit for the new dwelling and any new work needed in conjunction with the ADU.
7. Inspections by the Murray City Building Division will be required prior to occupancy of the ADU, and will include general inspection of the items mentioned in the Staff Report.
8. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78.
9. The ADU shall be occupied by no more than two (2) related or unrelated adults and their children.
10. The applicant shall provide an additional two (2) off street parking spaces as required by Section 17.78.040(I) of the Murray City Land Use Ordinance for a total of four (4) off street spaces.
11. 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.

12. 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.
13. Temporary Rentals are not allowed; neither the Primary nor Accessory Dwelling Unit may be used as temporary rentals such as an Air B&B or VRBO.

Mr. Nay commented that he appreciates all the standard 13 conditions listed out on this CUP. Mr. Markham added that he thinks it is good to consider an ADU during the construction phase rather than going back later and having potential problems.

Seconded by Ms. Wilson.

Call vote recorded by Mr. Smallwood.

 A Maren Patterson
 A Sue Wilson
 A Phil Markham
 A Ned Hacker
 A Travis Nay

Motion passed 5-0

CALLAWAY VIEW SUBDIVISION – 1104 West Winchester Street - Project #19-111

Cory Nielsen was present to represent this request. Jared Hall reviewed the location and request for an 11-lot, single-family, residential subdivision on the property located at 1104 West Winchester Street., in the R-1-6 Zone. The property is under review for Preliminary Subdivision Review. The property was previously zoned as Open Space and was recently rezoned to R-1-6. The site is a standard 49 foot cul-de-sac with curb, gutter and sidewalk. Lot sizes range from 6,100 sq. ft to 10,500 sq. ft. and will be able to accommodate single-family homes. Utility plans were submitted to the City Engineer who recommended some corrections to be made and all corrections have been made at this time. The Preliminary Subdivision is deemed as complete at this time according to the four Conditions of Approval. Based on the information presented in this report, application materials submitted and the site review, Staff recommends that the Planning Commission forward a recommendation of approval for the Preliminary Subdivision to prepare for Final Subdivision review for the Callaway View Subdivision.

Cory Nielsen, 1583 East 6670 South, stated he has reviewed the staff recommendations and will comply with the conditions.

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 asked if there were any resident inquiries about this agenda item. Mr. Hall replied that there were not any inquires.

Mr. Markham made a motion that the Planning Commission determines the Preliminary Subdivision Review to be complete, and approve the applicant to prepare and submit for Final Subdivision review for the proposed Callaway View Subdivision on the property addressed 1104 West Winchester Street subject to the following conditions:

1. The project shall meet the following Murray City Engineering requirements:
 - a. Meet City subdivision requirements.
 - b. Provide 3' wide roadway dedication along Winchester Street frontage
 - c. Provide grading, drainage, and utility plan and profile drawings.
 - d. Meet City drainage standards, on-site detention/retention is required.
 - e. Provide standard PUE's on lots.
 - f. Provide a site geotechnical study.
 - g. Obtain Jordan Valley Water Conservation District approval for the sewer main crossing at the 33" transmission line.
 - h. Vacate any unused easements within the proposed subdivision, relocated communication pedestals that conflict with the proposed sidewalk.
 - i. Raise the overhead communications lines to provide 15.5' vertical clearance at the subdivision entrance.
 - j. Develop a site Storm Water Pollution Prevention Plan (SWPPP) and obtain a City Land Disturbance Permit prior to beginning any site demolition or grading work.
 - k. Obtain a City Excavation Permit for work with City roadways
2. The project shall meet all applicable building and fire codes including cul-de-sac and right-of-way widths.
3. The plans shall indicate the 6' vinyl fence to be installed on the perimeter of the subdivision.
4. The plans shall indicate the location of streetlights as approved by the Murray City Power Department.

Seconded by Mr. Nay.

Call vote recorded by Mr. Hall.

 A Phil Markham
 A Travis Nay
 A Maren Patterson
 A Sue Wilson
 A Ned Hacker

Motion passed 5-0

FIRE STATION 81 SUBDIVISION – 4850 South Box Elder Street - Project #19-114

Cory Solum was present to represent this request. Jim McNulty reviewed the location and request to allow Preliminary and Final Subdivision Approval for the proposed Fire Station 81 Subdivision in the Murray City Center District, MCCD Zone located at 4850 South Box Elder Street. The proposed subdivision will accommodate Fire Station 81 which is currently under construction on Lot 1. A future commercial office building is planned for Lot 2, and the third proposed Parcel 'A' is intended to allow for a cell tower relocation and will remain in Murray City ownership. Lot 1 is 1.81 acres in size, Lot 2, is 0.79 acres in size and Parcel "A", is .057 acres in size. Parcel 'A' will serve as a new location to relocate an existing 100 foot monopole/cell tower. A Conditional Use was granted to American Tower on December 6, 2018 to allow the relocation of the cell tower. The east to west grade associated with this property is being addressed with the future development of Lot 2 and Parcel 'A'. Staff recommends approval of Preliminary and Final subdivision as per the recent amendment to Title 16, which allows a single approval for up to 10 lots. Parcel 'A' will be owned by Murray City, but they will lease it to American Tower to locate a cell tower and equipment. Staff recommends that Condition number 6 should be removed from this application because this requirement applies to residential development, not commercial development. The water and sewer requirements were accounted for during the development of the Fire Station 81 site and appropriate utilities are in place for the future construction of Lot 2. Based on the information presented in this report, application materials submitted and the site review, staff recommends that the Planning Commission grant Preliminary and Final Subdivision approval for the proposed Fire Station 81 Subdivision subject to conditions.

Mr. Markham asked if part or all of condition number 6 will be removed. Mr. McNulty replied that the entire condition will be removed.

Cory Solum, 5151 S 900 East, # 200, the applicant who represents Think Architecture, stated he has reviewed the staff recommendations and will comply with the conditions except for condition 6. Mr. Markham asked what the timeline is to build a new building on Lot 2. Mr. Solum stated that the intent is to move the cell tower and subdivide the property first, which is taking longer than planned. Now that a building footprint and a pad exists, Think Architecture will work with the RDA to finish up the design work and then move onto the building stage next spring.

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.

Ms. Wilson made a motion to grant Preliminary and Final Subdivision Approval for the proposed Fire Station 81 Subdivision located on the property addressed 4850 South Box Elder Street, subject to conditions as amended:

1. The project shall meet City subdivision standards and requirements.
2. The project shall meet City utility requirements and provide PUE's on lots as needed for utility service.
3. The project shall provide roadway dedication along 4800 South and Box Elder Street to accommodate MCCD pedestrian and landscape improvements.

4. The applicant shall provide detailed grading, drainage and utility plans for review and approval to accompany the Final Plat.
5. The project shall meet all Murray City Power Department requirements.
6. The project shall provide adequate fire hydrants, assuring adequate fire flow. The applicant shall assure that all construction associated with the subdivision complies with 2015 International Fire Code.
7. The project shall include and access easement for Parcel 'A' through Lot 1.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

 A Sue Wilson
 A Phil Markham
 A Maren Patterson
 A Ned Hacker
 A Travis Nay

Motion passed 5-0.

ORDINANCE TEXT AMENDMENT - Section 17.43, Medical Cannabis Regulations – Land Use Text Amendments - Project #19-070

Jim McNulty presented the proposed Land Use Ordinance Chapter 17.43 for Medical Cannabis Regulations. Mr. McNulty stated that Utah Legislature has passed statutes that require municipalities to allow for Cannabis Production Establishments and Medical Cannabis Pharmacies. Firstly, Utah Code, Section 4-41a-102 requires that a City's zoning ordinance allow Cannabis Production Establishments as either a Permitted Use or Conditional Use in at least one type of Industrial/Manufacturing Zone and one type of Agricultural Zone. There are distance and other operational requirements mandated or allowed under State statutes which indicate that a Cannabis Production Establishment may not be located within 1,000 feet of a community location such as a public or private school, church, public library, public playground or public park, or within 600 feet of an area zoned primarily residential. Secondly, Utah Code, Section 26-61a-102 requires that Medical Cannabis Pharmacies be allowed as Permitted Uses in all zoning districts within a city with the exception of those districts which are primarily residential. Medical Cannabis Pharmacies may not be located within 600 feet of a community location such as a public or private school, church, public library, public playground or public park, or within an area that is zoned as primarily residential. State Law specifically allows a city to enact an ordinance that governs the time, place or manner of Medical Cannabis Pharmacy operations within the city. Mr. McNulty reviewed a map of Murray City and pointed out the Manufacturing General (M-G) and Agricultural (A-1) Zones in which Medical Cannabis Production and Medical Cannabis Pharmacies would be allowed. Murray City does have some availability; however, they are limited based on State Statute and distance requirements. The distance requirements for Medical Cannabis Production are to maintain a 600 ft. buffer from residential and 1000 ft. buffer from any community use. The distance requirements for a Medical Cannabis Pharmacy are to maintain a 600 ft. buffer from residential and 600 ft. buffer from any community use. Mr. McNulty stated that Murray City

Staff believes the proposed Text Amendments are consistent with Utah Code Section 4-41a-102 and 26-61a-102. The proposed Text Amendments are consistent with the purpose of Title 17.43 and the goals and policies of the Murray City General Plan. Based on the above findings, proposed text and other revisions as outlined, City staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed ordinance amendment enacting Chapter 17.43, Medical Cannabis Regulations within the Murray City Municipal Code.

Mr. Nay asked a question which referred to standard 17.43.030(B), which states that outdoor seating is prohibited and asked if that referred only to consumption and would it limit public benches. Mr. McNulty replied that the standards within this section are taken directly from State Code and it is required language.

Mr. Markham commented that the Draft Text Amendment is very well done.

The meeting was opened for public comment on this item.

Ales Iorg, Wholesome Ag., 2810 South Asbury Lane, West Valley, stated he appreciated Ms. Greenwood letting him review the draft ordinance and considering our thoughts on how this would impact our business if we move to Murray because we have identified a location on Cherry Street in which we are interested. Our intentions are to move forward in an expeditious timeline and hoped that a formal introduction of our group here tonight would help. I am one of the partners of Wholesome Ag., and my role is compliance in relation to laws and regulations and Government Affairs. We have provided bios and company information by email in a hope to be transparent. Mr. Iorg stated that he just became aware of an announcement of a special session that will take place in the Legislature in a couple weeks which could significantly change the Medical Cannabis Bill and could have some impact on current State laws. In other states, the laws are constantly being changed and are under scrutiny because this is a new industry.

The public comment portion for this agenda item was closed.

Mr. Hacker and Mr. Markham thanked Mr. Iorg for his bio's and emails because they were very informative.

Mr. Markham stated that the responsibility of the Planning Commission tonight is to forward a recommendation of approval or denial to the City Council and the final decision does not lie with this group. This item could take as long as a month to be included on a City Council agenda. Mr. McNulty replied yes, that it will be on the October 1, 2019 City Council agenda. Mr. Markham stated that if changes are produced from the Legislative special session then the City will have to act accordingly. Mr. Markham stated that he personally is not willing to give up local control of issues like this unless that local control is taken away from us by the State Legislature.

Mr. Nay stated that the buffering zones determined by the State Legislature are a little disappointing because they refer to the product as Medical Cannabis medicine, but it is not allowed to be dispensed from a hospital, and that is a place that it should be able to sold from because it makes sense to sell it from a pharmacy in a hospital. Mr. Markham stated that what little local control we have as a municipality we need to hang on to. Ms. Patterson agreed, and stated that the municipalities are being mandated to comply and we should keep as much control as possible, but the places that are being allowed to dispense as a pharmacy are in a odd part of town that you have to go to get your medicine as opposed to a medical zone.

Ms. Greenwood explained that the maps presented tonight are a general suggestion in a sense because it is site specific. Our GIS system does not have the capability to designate exact lines on the map to outline the allowed areas, so the shaded parts on the map are based on a radius. These businesses are looking for a location to operate and have a very limited circle of opportunity. Additional complications associated with hospitals are because Medical Cannabis is still against Federal Law and these essentially have to be stand alone locations. You won't see this product in a corner pharmacy store or hospitals because they can't comply with other regulations they have for dispensing medications while dispensing medication that is not legal through the Federal Laws.

Mr. McNulty stated that Industrial Manufacturing Zones generally run thorough the center of cities and by major arterials and freeways, so we are seeing a lot of interest in these areas of Murray. Murray City has rezoned many Agriculture zones to be residential zones, so we don't have many Agricultural properties left.

Mr. Nay made a motion that the Planning Commission forward a recommendation of Approval to the City Council for the proposed ordinance enacting Chapter 17.43, Medical Cannabis Regulations within the Murray City Municipal Code.

Seconded by Mr. Markham.

Call vote recorded by Mr. Hall.

 A Travis Nay
 A Phil Markham
 A Maren Patterson
 A Sue Wilson
 A Ned Hacker

Motion passed 5-0

OTHER BUSINESS

Mr. Smallwood stated that each of the Commissioners should have received an email today about an October 24, 2019 training. As part of the training I suggested that we review the process of what is included in our Planning Commission packets. I ask that each Commissioner be cognizant and look at what you are using and not using and, what is beneficial. In an October meeting, I would like to have a small discussion to hear ideas from the Commissioners of how we should move forward and clean up the packets. Eventually it would be nice to distribute the packets online so the public can see them. A lot of cities currently do this.

Mr. Hacker made a motion to adjourn. Seconded by Mr. Markham.

 A Travis Nay
 A Phil Markham
 A Maren Patterson
 A Sue Wilson
 A Ned Hacker

Motion passed 5-0

The meeting was adjourned at 7:22 p.m.



Jared Hall, Planning Division Manager