

Minutes of the Planning Commission meeting held on Thursday, March 15, 2018, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present:

Travis Nay, Chair  
Lisa Milkavich, Vice Chair  
Maren Patterson  
Phil Markham  
Scot Woodbury  
Sue Wilson  
Jared Hall, Community & Economic Development Supervisor  
Brad McIlrath, Associate Planner  
Briant Farnsworth, Deputy City Attorney  
Citizens

Excused: Ned Hacker

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.

Travis Nay 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 1, 2018 Planning Commission 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

Mr. Markham made a motion to approve the Findings of Fact for Chapel Ink. Ms. Milkavich seconded the motion.

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

CHARMAINE BARRETT & DAKOTA MORTENSEN – 733 West Shadow Wood Drive - Project #18-23

Charmaine Barrett was present to represent this request. Jared Hall reviewed the location and request for an Accessory Dwelling Unit at the property addressed 733 West Shadow Wood Drive, located in the R-1-8 Zone. Mr. Hall stated that in September 2009 Murray City passed an ordinance allowing Accessory Dwelling Units in all Single-Family Residential Zones. Mr. Hall stated the home measures about 3,100 square feet and the proposed ADU is a studio apartment in the basement measuring about 477 sq. feet, representing about 15% of the total sq. ft. of the house. ADU's may be no more than 40% of the overall square footage of the house and cannot have more than 2 bedrooms. A separate entrance to the basement is located on the rear southwest corner of the house. The ordinance states that the homeowner must occupy the main dwelling, or the ADU portion of the building, as well as

file an Owner Occupancy Affidavit with Salt Lake County Recorder's Office. The ordinance requires that two off street parking spaces must be provided for the accessory dwelling. The site plan submitted shows that the property is currently served by a two-car attached garage and a driveway. The applicants have also proposed extending the existing driveway around the east side of the home to provide additional parking. Staff finds that the plan provides more than sufficient parking to meet the requirements of the ordinance. The house is located on a portion of the street that curves and it has the potential to create a dangerous situation with cars parked out on the road. The City received many public concerns about this property, and staff was able to respond to them before the meeting. Upon contacting the home owner, staff discovered the operation of an illegal ADU. Staff encouraged Ms. Barrett to work with the City to obtain a legal ADU, this application is a direct result of the case the City opened on this issue. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval for the Accessory Dwelling subject to conditions.

Mr. Markham asked if any ADU tenants should be living in the home until all the conditions are met. Mr. Hall indicated that the intent of the ordinance is to discourage the rental to tenants prior to receiving Conditional Use Permit approval, and he is unaware if the ADU is currently occupied. Mr. Markham asked if somebody is living in the ADU, would that have to change. Mr. Hall responded that it may have to change.

Ms. Wilson asked Mr. Hall to explain how many people can legally live in the ADU. Mr. Hall explained that no more than 2 related or unrelated adults and their 2 children.

Charmaine Barrett, 733 West Shadow Wood Drive, stated she has reviewed the conditions and will be able to comply.

Mr. Nay asked Ms. Barrett to address the concerns that occupancy has taken place before the inspections have taken place. Ms. Barrett stated she is not aware that the unit may need to be vacated until the conditions are met and added she is currently working on the conditions.

Mr. Markham reiterated the concern to Ms. Barrett that the ADU must be vacant until the conditions are met. Ms. Barrett, responded in the affirmative.

Mr. Nay commented that the neighborhood has many concerns about parking and stated that the cars must not park on the street as a condition of approval. Ms. Barrett stated she understands.

The meeting was opened for public comment.

Tom Roberson, 824 Shadow Wood Drive, stated as a firefighter, public access is his main concern. Mr. Roberson stated that cars that have been parked on the street may have the potential to block an emergency apparatus from being able to maneuver the turn. Mr. Roberson asked that the ADU be vacated until the conditions of the CUP are met, specifically the parking conditions.

Ryan Roller, 743 Shadow Wood Drive, stated he lives next door to the property and had to relocate his mail box to a different area on his property because the Postal Office cut off his service because cars from Ms. Barrett's residents blocked access to the mail box. Additionally, cars are also parked on the street during snow removal times. Mr. Roller stated

he is also aware the ADU is currently occupied, and has previously been occupied by unrelated tenants who rent on a room by room basis and is concerned about the process Ms. Barrett uses when she rents to tenants. Mr. Roller stated he has additional concerns about the future driveway being too close to the neighbors' property to the east as well as the safety of cars backing onto the street from the proposed added driveway.

Lorelei Romney, 784 West Shadow Wood Drive, stated she has parking concerns because Ms. Barrett has 3 adult sons who reside in the residence as well as the ADU tenants and believes there will be a need for 6 parking spaces. Ms. Romney added that she is aware that the additional parking area will be installed by Ms. Barrett in small portions when she can afford it, and requested the additional parking be finished immediately.

Brian Romney, 784 West Shadow Wood Drive, stated he is an experienced ICC Certified Building Code Official with the State of Utah and he believes the design and size of the proposed ADU does not meet the requirements of the Building and Fire Codes of the Murray City Ordinance and State building codes of the HB310 and the IRC. Mr. Romney added he believes the proposed ADU is not a single-family residence as specified by the Murray City Code, rather a duplex as specified by the IRC. Mr. Romney personally believes Murray City is endangering life safety by allowing ADU's, because the City does not want to burden the residents with the high cost of modifying the existing homes to meet the IRC requirements. Mr. Romney stated he believes all the Certificate of Occupancy's issued to every ADU in Murray City is illegal by the standards of the IRC building code requirements. Mr. Romney formally requested that before any CUP or Certificate of Occupancy be issued for this applicant or any other ADU in Murray, an inspection report be filed showing complete compliance with all the residential codes, including the fire safety codes. Mr. Romney concluded by stating he would be willing to meet with the Murray City Code Enforcement Officials and the Murray City Attorney to further justify his personal findings and to avoid possible action by the State Attorney General's Office that he may pursue.

Pam Cotter, 752 West Bullion Street, stated her home is located directly behind Ms. Barrett's home. Ms. Cotter stated she is concerned because residents tell Murray City that the people living in their homes are family members and they are not, instead they rent their homes out like an apartment, and the City does not cite homeowners when they lie about the goings on inside their homes. Ms. Cotter added that the properties of rental homes are in disrepair and they add extra cars on the property.

The public comment portion was closed.

Mr. Hall addressed the concerns about the on-street parking and stated the curve on Shadow Wood Drive has not been red curbed or had any signage installed by the City which would disallow parking on the street, at this point the Fire Department has not marked this street as a concern for that. If residents have further concerns they may address it with the Murray City Traffic Safety Committee.

Mr. Hall addressed the concern about the proposed widening of the driveway that may possibly cut into the east neighbor's property. Mr. Hall demonstrated similar widening of driveways within the neighborhood with an aerial photograph and stated the widening of Ms. Bennett's driveway would not be any more intrusive on her neighbors as it is on anybody else's property who currently have extended driveways. Mr. Hall addressed the safety concern about cars backing out onto the street and explained that all the other neighbors also back out onto the curve and he does not feel that it is more dangerous for this property to

back out than any of the others on this curve.

Mr. Hall addressed the concern about the people currently living in the home and the parking issues and stated conversations with Ms. Barrett have been clear about the need for additional parking area to be installed immediately. The City is aware that the home has been used as an illegal ADU in the past and there is a need to bring the property into compliance now.

Mr. Hall addressed the concerns about building codes and stated Murray City does employ a Building Official that reviews all the ADU applications and requires them to fulfill the conditions as set by the Murray City Ordinance as well as Building Codes, even if they are difficult for the homeowner to complete.

Mr. Hall encouraged the residents to continue to send in concerns about possible ADU's that may be illegally operating in the City and that we rely on the residents to help keep the City informed and then it can address them through Code Enforcement measures.

Mr. Nay asked if we only address issues when residents bring it to our attention. Mr. Hall answered no, we do also see things when our employees are out in the field that need to be addressed, but we are primarily made aware of these issues by residents.

Mr. Markham asked Mr. Hall to explain the responsibility and authority of the Planning Commission and to address the residents' allegations that the City is knowingly allowing people to operate ADU's illegally. Mr. Hall stated that because something is going on inside a home or in a neighborhood, and the City is unaware of it, does not mean the City is alright with it and allowing it to happen. Mr. Hall continued to explain that Conditional Use Permits are permits that the City uses to mitigate possible concerns for uses that are allowed. The City made the decision in September of 2009 to allow ADU's with CUP approval in single family neighborhoods, if they can meet certain conditions that may be imposed upon them. The conditions that the City applies are intended to make the use as unobtrusive to the neighborhood as possible, so one wouldn't know there's a second unit there. If a homeowner can meet these conditions, then under Utah State Law the City will issue a CUP and allow the ADU.

Mr. Nay asked if the State of Utah also allows ADU's. Mr. Hall answered yes, the State allows them. Mr. Markham asked if the applicant were able meet all the conditions and the City were to deny the ADU, could the City possibly be sued. Mr. Hall answered that is correct, the City can only deny the CUP if they can demonstrate they can't mitigate the negative impact of the use. The ordinance is specially designed to mitigate the impacts. If they can't meet the conditions we have mechanisms in place to deal with that, like not issuing a Business License for the rental. If they rent the unit without meeting the conditions and getting a Business License, the City can issue a citation to them for operating without a license or revoke a CUP, if one was approved.

Ms. Patterson commented if the residents continue to have problems, their best recourse is to report the issue to the City.

Mr. Nay asked if Mr. Romney wanted to further discuss his concerns would he be able to meet with the Building Official or Staff. Mr. Hall stated absolutely and added he has already spoken to Mr. Romney on the phone. In that conversation he advised Mr. Romney to speak to Mr. Reed, but he already had. Mr. Hall clarified that this is not some rouge ordinance that

Murray has passed, ADU's are common throughout the valley, and stated he has worked for two other cities that allow ADU's in their ordinances, and is aware that ADU's are allowed in many other cities in Utah and are very common in California for about the past 20 years. ADU's are encouraged by our General Plan, because it helps the City to provide the type of affordable housing choices that are needed and helps the City meet the State mandated standards for providing moderate income housing.

Ms. Wilson stated she is favor of the ordinance because it could allow a person who may have lost a spouse or other provider to stay in the family home by renting a portion of it.

Ms. Patterson addressed the concern about loss of property value and stated when the City allows regulated and legal ADU's, it actually increases property values. Mr. Hall added that the ordinance was created to help address the prior issues of illegal ADU rentals, and there are numerous studies that show ADU's do not devalue properties in neighborhoods. Mr. Woodbury commented that he is also in support of this agenda item and he has seen many ADU's come through the Planning Commission with good results. Mr. Woodbury added that there may be many illegal ADU's in the city that need to be brought into compliance and it's usually the illegal ADU's are usually the one's that cause problems, like this one tonight.

Mr. Woodbury commented that the City is not allowed to regulate the rental screening process nor verify family relations as part of our approval process. The City Staff and the Planning Commission members try to look for a way to provide the most good through Conditional Use Permits.

Ms. Milkavich made a motion to approve an Accessory Dwelling Unit at the property addressed 733 West Shadow Wood Drive, subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. Smoke detectors and CO sensors shall be hardwired and interconnected.
3. Separately controlled heating shall be provided for each area, such as base board heating, a dual zone furnace, etc.
4. The applicant shall install additional driveway surfacing as indicated on the site plan to meet the requirement for adequate parking for the ADU.
5. The proposed Accessory Dwelling Unit shall comply with all applicable ordinance standards outlined in Chapter 17.78, which includes but is not limited to the following:
  - (a) Installing separate utility meters and separate addresses for the ADU is prohibited.
  - (b) ADUs shall be occupied by no more than two (2) related or unrelated adults and their children.
6. The property owners 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 following.

Seconded by Ms. Wilson.

Call vote recorded by Mr. McIlrath.

  A Lisa Milkavich  
  A Sue Wilson  
  A Maren Patterson  
  A Phil Markham  
  A Scot Woodbury  
  A Travis Nay

Motion passed 6-0.

LARRY MILLER USED CAR SUPERMARKET – 5701 & 5757 South State Street - Project #18-24

Greg Flint was present to represent this request. Brad McIlrath reviewed the location and request to amend the original Conditional Use Permit for the auto sales business located at 5701 South State Street located in the C-D zone. The amendment is to expand the parking to include the property addressed 5757 South State Street and the property addressed 5770 South 123 East. The property at 123 East 5770 South was previously approved in 2014 with a Conditional Use Permit by the Planning Commission to have extra parking for the auto sales. The previously approved property complies to the development standards for landscaping and parking, but the remaining area of the existing business and the expansion will need to be improved to comply with current standards. The expansion will link the two end properties to the property in between them, which was formerly known as the Murray Towers Plumbing property. The Murray Towers Plumbing building will be demolished to accommodate the proposed parking lot expansion. The expansion will include 6 landscape islands, additional buffer landscaping and an additional 93 parking spaces for the auto dealership. The applicant proposes to combine the two existing access driveways on State Street. Because State Street is a UDOT owned road they require the applicant to obtain a UDOT access review and permit. The property holds underground storm water lines and private and public fire hydrants, these underground utilities will prevent the planting of trees on the frontage in some areas. Staff will work with the applicant to direct them where they can plant trees. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval to amend the original Conditional Use Permit for the Larry H. Miller Used Car Supermarket subject to conditions.

Mr. Woodbury asked if there is a quota of vehicles that will be allowed to use the proposed parking lots and will they be allowed to double park vehicles. Mr. McIlrath answered the number of cars allowed will depend on the amount of parking stalls that will fit on the lots, they should not be tandem parking vehicles. Mr. McIlrath explained that the City standard for inventory parking is more flexible and allows the access isle to be more narrow than usual, but vehicles can't be stacked in the lot for fire safety reasons. Larry Miller dealership representatives have expressed that they do not have enough space for inventory, hopefully this will help with the parking issues. Ms. Wilson added that the City requires smaller dealers to have only one car per space. Mr. Woodbury asked if the City will be enforcing the parking requirements. Mr. McIlrath answered that the Code Enforcement Official and the Police Department do spend a lot of time enforcing fire safety issues and other issues that may occur with car dealership lots.

Ms. Milkavich asked if the access onto 5770 South will not have any UDOT issues. Mr. McIlrath stated 5770 South is a Murray City road and not a UDOT road therefore, they will

not need a review or permit from UDOT.

Ms. Wilson asked if the trees on the rear property line are included in the landscape plan. Mr. McIlrath answered yes, they are. The City has received a few resident comments about, additional privacy, lighting and the noise coming from State Street because the Towers Building will not be there to block the sound anymore. The City will require buffer trees and a 6-foot masonry wall which will help to mitigate noise concerns on the property lines.

Greg Flint, 9350 South 150 East, Suite 1000, Sandy, stated he is present to represent the applicants and has reviewed the conditions and will be able to comply. Mr. Flint stated that the Larry Miller Group has purchased the Tower Plumbing property to streamline vehicle storage and will work with staff on the required conditions.

The meeting was opened for public comment.

Vincent Fredrickson, 5762 South Lindon Street, stated his property is located immediately east of Towers Plumbing and has concerns about future noise from State Street, the future lighting that may shine on the back portion of his house, lack of privacy and safety of his guests. Mr. Fredrickson requested the wall height to be increased. Mr. Fredrickson added the double-parked cars on the Miller lot have not moved in months and questioned why they are there.

Kathy Fredrickson, 5762 South Lindon Street, commented that State Street is a 6 lane, 40 MPH thoroughfare that is highly traveled. Ms. Fredrickson added, other residential neighborhoods that back the business on State Street in that area are protected from sound and sight by large buildings or a 10-foot masonry wall.

Sherman (Wiggle) Wickel, 5710 South Lindon Street, stated he would like the applicant to build a 10-foot wall that extends past his property to help provide a barrier from the trash that blows out of the dumpster and into his yard.

The public comment portion was closed.

Mr. McIlrath addressed the resident concerns and stated City ordinance allows the Planning Commission to grant up to an 8-foot wall. The dealerships that currently have walls taller than 8 feet may have been allowed under older City ordinances, but are no longer allowed. Mr. McIlrath stated the lighting allowed in the parking lot must be down facing so as not to shine on neighboring properties. The Planning Commission could impose conditions that would limit the height of the lights to be below 18 feet. Ms. Patterson stated the landscaping trees will also help limit the amount of light that would shine onto the neighboring properties. Mr. Nay asked if they were to limit the height of lights would it amend the CUP for the previously granted properties or just the newly added properties. Mr. McIlrath answered the change would affect the entire property.

Mr. Woodbury stated he would like to see an eight-foot wall installed. Ms. Wilson agreed, and does not believe the requirement would be unreasonable. Mr. Woodbury commented that a 10-foot wall would be excessive considering the minimum requirement is only 6 feet. Ms. Milkavich commented that the existing 6-foot wall could be built taller by adding to it instead of replacing the entire wall and would be more cost efficient. Mr. Markham commented, that the residents who back this property can also add landscaping on their side of the wall to help lessen the impact if they wish.

Mr. Woodbury made a motion to approve an amendment to the original Conditional Use Permit for the Larry H. Miller Used Car Supermarket to include the property at 5757 South State Street, subject to the following conditions:

1. The project shall meet all applicable building and fire code standards.
2. A demolition permit shall be obtained for the removal of the existing building at 5757 S. State Street.
3. The parking islands shall be included as part of a formal landscape and irrigation plan and shall be designed in accordance with the proposed design for this conditional use permit amendment.
4. The project and overall business shall comply with landscaping standards outlined in Chapter 17.68 of the Murray Land Use Ordinance. A formal landscape and irrigation plan shall be submitted and approved to include the following within the State Street front setback landscaping:
  - 16 Trees;
  - 26, 5-Gallon Shrubs;
  - 53, 1-Gallon Shrubs;
  - 50% Bed coverage at time of planting.
5. The project shall comply with the following Murray City Engineer requirements:
  - (a) The applicant shall obtain a UDOT access review and permit for the drive approach changes on State Street;
  - (b) The project shall meet Murray City drainage requirements with on-site detention / or retention required;
  - (c) Sidewalk shall be upgraded through the drive access to meet current UDOT standards;
  - (d) Damaged sidewalk shall be repaired or replaced along property frontage.
6. The project shall include the installation of an 8-foot solid masonry wall on the east property line.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. McIlrath.

  A   Scot Woodbury  
  A   Lisa Milkavich  
  A   Phil Markham  
  A   Maren Patterson  
  A   Sue Wilson  
  A   Travis Nay

Motion passed 6-0.



JDM LEGENDS LLC – 5662 South 300 West #B (rear) - Project #18-25

Joseph Geurts was present to represent this request for JDM Legends LLC. Brad McIlrath reviewed the location and request for an auto restoration and sales business to be located at the property addressed 5662 South 300 West, Unit B (rear) located in the M-G zone. Mr. McIlrath stated the business main use is the restoration of Japanese classic cars and could conduct about 10-15 restored car sales a year. The relocation from the prior location will allow more room for the business. The new location will have a shop, office, and a vehicle show room. This property currently has landscaping within the front setback area that consists of lawn and large shrubs adjacent to the building. Because the property has landscaping that currently exists staff will work with the property owner to determine the amount of additional landscaping that will need to be installed to meet requirements. Additionally, a van accessible ADA parking space shall be striped and provided with required signage. Staff will work with the applicant to determine the number of parking stall that will need to be stripped. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval for the proposed auto restoration and sales business subject to conditions.

Joseph (Joey) Geurts, 5662 South 300 West, Unit B, stated he has reviewed the conditions and will be able to comply. Mr. Geurts stated that last year only 2 vehicles were sold and they hope to sell more this year, although the primary business is restoration. Mr. Geurts added that he considers the area to be somewhat blighted and hopes their presence will improve the condition of the area.

The meeting was opened for public comment. There were no comments and the public comment portion was closed.

Ms. Patterson made a motion to approve the proposed auto restoration and sales business at the property addressed 5662 South 300 West #B (rear), subject to the following conditions:

1. The project shall comply with all applicable building and fire code standards.
2. Building permits shall be obtained for any construction.
3. Parking spaces shall be striped and placed in front of the unit that match the submitted site plan. A van accessible ADA parking space shall be striped and provided with required signage.
4. The vehicles stored outside of the business need to be rearranged or stored inside of the building in order to provide sufficient parking for operators of the business and customers.
5. The applicants shall obtain a sign permit prior to the installation of any attached business signage.
6. The property landscaping shall comply with landscaping standards outlined in Chapter 17.68 of the Murray Land Use Ordinance. The front setback landscaping along 300 West shall be modified to include the following:
  - (a) Three (3) trees;
  - (b) Five (5) 5-gallon shrubs; and

(c) Ten (10) 1-gallon shrubs.

7. The applicants shall obtain a Murray City Business License and pay applicable fees.

Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

  A   Maren Patterson  
  A   Phil Markham  
  A   Sue Wilson  
  A   Scot Woodbury  
  A   Lisa Milkavich  
  A   Travis Nay

Motion passed 6-0.

DEREK WELLS – 4195 South 500 West, #44 - Project #18-44

Derek Wells was present to represent this request. Jared Hall reviewed the location and request to allow Auto Sales for the property addressed 4195 South 500 West, #44 located in the M-G zone. The property is commonly known as Garco. Unit #44 is a single unit with approximately 900 square feet. The previous tenant of this unit removed the office area when they vacated the unit and Mr. Wells is considering adding an office area back into the unit. He will work with the property owner to determine what will be allowed. The exterior parking for the unit is limited and would require vehicles for sale to be parked inside the unit only. Staff has estimated about 5 vehicles could be placed inside the unit and would be limited to only 5 vehicles at any one time. This unit is not set up for washing, detailing or repair, these uses are disallowed as part of this Conditional Use Permit. Staff is not recommending any changes to parking as there are a few ADA stalls in the area that help meet the parking requirements. The 3 existing parking stalls on the exterior of the unit will need to be restriped and may not be used for car storage or sales, only employee and visitor parking. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval to allow vehicle sales subject to conditions.

Derek Wells, 4195 South 500 West #44, stated he has reviewed the conditions and will be able to comply. Mr. Wells commented that he plans to re-stripe the parking area pending approval of the property owner and feels it will help him reclaim the 3 parking spaces from the surrounding encroachment of the neighboring businesses. Mr. Wells added his primary business will be internet car sales and will result in only a few car sales per month. Mr. Wells thanked Mr. Hall and Mr. McIlrath for all the help and guidance in this process.

The meeting was opened for public comment. There were no comments and the public comment portion was closed.

Ms. Wilson made a motion to approve a Conditional Use Permit to allow Vehicle Sales on the property located at 4195 South 500 West, #44, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.

3. The applicant shall obtain Murray City Building Permits for any work necessary on the property.
4. No repairs or washing of vehicles is permitted at this location.
5. All vehicles for sale will be kept inside the building, and shall not be more than five (5) at any one time. The applicant shall maintain the exterior parking available for customers and visitors.
6. The applicant shall obtain a Murray City Business License before commencing work at this location.
7. The parking stalls in front of the unit must be restriped.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. McIlrath.

  A   Sue Wilson  
  A   Scot Woodbury  
  A   Maren Patterson  
  A   Phil Markham  
  A   Lisa Milkavich  
  A   Travis Nay

Motion passed 6-0.

MURRAY COVE PHASE 3 – 1181 & 1187 West Bullion Street – Revised Final Subdivision Review (38 Lots) - Project #17-156

Jared Hall reviewed the location and request to modify of the Final Plat for Phase 3 of the Murray Cove Subdivision at 1187 West Bullion Street located in the R-1-8 and R-1-10 zone. The Planning Commission reviewed and recommended approval for Phase 3 consisting of 41 lots on 12.94 acres in January 2018. This application will allow for a modification of Phase 3 to accommodate the needs of wider homes and 3 car garages. This includes reducing the overall number of lots by 3, for a total of 38 lots, and increasing their size. Resulting from that size increase, the proposed Pitchfork Road has been shifted slightly to the west after the intersection with the proposed Murray Hollow Lane. These changes will slightly impact Phase 4. Phase 4 will also return to the Planning Commission in the future to gain approval through this process. Staff is confident the project is improving as we go forward and has worked with nearby residents to resolve some of the recent concerns. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval for the modification of the Final Plat for the Murray Cove Phase 3 Subdivision subject to conditions.

Brian Prince, 970 East Wood Oak Lane, stated he is present to represent the applicants and has reviewed the conditions and will be able to comply. Mr. Prince explained they took out three lots in phase 3 because they have many buyers who want a bigger home on the lots.

Mr. Nay commented that the neighbors had encouraged larger sized lots when this project was first brought to the Planning Commission and they should appreciate the change.

The public meeting was opened for public comment. There were no comments and the public meeting comment portion was closed.

Ms. Wilson made a motion that the Planning Commission forward a recommendation of approval to the Mayor for the modification of the Final Plat for the Murray Cove Phase 3 Subdivision, subject to the following conditions:

1. The project shall meet all applicable building code standards.
2. The project shall meet all current fire codes.
3. The project shall provide the appropriate number and location of fire hydrants to meet Murray City Fire Department requirements and assure adequate fire flow to them.
4. The applicant shall provide adequate Fire Department and Emergency Service access to all lots on approved hard surfaces.
5. The project shall meet all City subdivision requirements and standards.
6. The project shall meet City storm drain requirements.
7. The applicant shall provide landscaping and irrigation for the proposed detention pond and for the unused area adjacent to Bullion Street and the proposed Murray Hollow Lane. The applicant shall provide a Home Owner's Association to maintain the landscaping in those areas. The Home Owner's Association documents shall be provided to Community Development Division Staff for review and approval.
8. The project shall meet all City utility requirements and provide standard public utility easements on all lots.
9. The applicant shall provide a soils study and meet all recommendations.
10. The applicant shall obtain all required County and State permits related to the Jordan River meander corridor, storm water discharge, and the water connection to Murray Park Avenue.
11. The applicant shall provide a conservation, dedication and maintenance easement to Salt Lake County along the Jordan River.
12. The applicant shall provide for and maintain a 75-foot minimum building setback from the Jordan River floodway for properties adjacent to or backing the river. This setback line shall be shown on the recorded plat.
13. The applicant shall provide a 6 foot, private or semi-private rear yard fence for homes backing the Jordan River.
14. The applicant shall provide highway noise abatement measures (sound walls) as designated by City Code Chapter 8.17 and shall obtain any required UDOT permits prior to the sound wall installation.
15. The applicant shall obtain Irrigation Company approval and pipe all active irrigation

ditches.

16. The applicant shall develop a site SWPPP and obtain a City Land Disturbance Permit prior to beginning any site work.
17. The applicant shall obtain a City Floodplain Development Permit.
18. The applicant is required to meet all requirements as per the City Engineer.

Seconded by Ms. Milkavich.

Call vote recorded by Mr. McIlrath.

   A Sue Wilson  
   A Lisa Milkavich  
   A Maren Patterson  
   A Phil Markham  
   A Scot Woodbury  
   A Travis Nay

Motion passed 6-0.

DISCUSSION ITEM - New Municipal Code Section 17.82 – Small Wireless Facilities – Project #18-29

Mr. Hall presented the information for the discussion item and stated Staff has been working on a draft for the last few months for the Small Wireless Facilities, that were previously referred to as Small Wireless Technology. The legislature passed a Bill called the Spectrum Act and it will go into effect May 11, 2018. This Bill refers to these technologies as Small Wireless Facilities. The City would like to have our ordinance approved and in place by that time to handle any requests that may be submitted starting in March. Mr. Hall commented that this item is scheduled for the April 5, 2018 Planning Commission meeting in order meet the deadline date.

Mr. Hall explained that in the past, Small Cell Technology started to come into the area and the City realized the demand for this type of technology. From this realization the City then entered into 2 different Franchise Agreements. The Franchise Agreements allowed the provider of a Public or Private Utility to locate in our Rights of Way. With the recent approval of the Spectrum Act, the Franchise Agreement will soon be outdated This created a need for the City to pass an ordinance to comply with House Bill SB 189 by May 11, 2018.

Mr. Hall explained that the Small Wireless Facilities are smaller versions of monopoles, lattice towers, and antennas that could have been attached to rooftops and sides of buildings in the past. These newer, smaller technologies can be mounted much more easily and less obtrusively. The Spectrum Act made various enhancements such as co-locating much easier to do because Municipalities cannot require a Conditional Use Permit for certain enhancements. The Act also took a step closer to recognizing wireless service as a utility, much like water or power utilities. The City will try to co-locate the Omni directional antennas on existing power poles to lessen the burden on our streetscapes. If an antenna can't co-locate on an existing pole for some reason, we will now be required to erect a new monopole to a certain height. This is a challenge when the goal of our City is to reduce overhead utilities.

Mr. Hall stated Land Use Ordinance 17.82 will encourage co-location where possible and discourage the creation of any new monopolies where allowed by State Law and the Spectrum Act. The City has some language in place to require new facilities to be sensitive to the surrounding uses that would regulate colors, location and design. The Bill does allow the City to respect where there are already undergrounding requirements for utilities, but the City currently does not have any mandates on undergrounding.

Mr. Nay asked if the City can require the facilities to be vaulted underground. Mr. Hall answered no we can't, because vaults won't work as the facilities must be placed at about 28 feet in the air.

Mr. Hall explained some fun facts and stated the projection for deployment of these types of facilities in the USA will be 70,000 units. Small Wireless Facilities are not intended to boost signal, they are instead needed to handle more broadband data width. Statistics shows that newer smart phones generate 102 times more data traffic than the original units that were first used. The current trend suggests that our nation will have a 500% increase in mobile data between 2016 and 2021. The concern for the City is how much of these facilities will be hung all over poles in our City. The new smaller style facilities will impose much less of a burden on the cities, but they will not go without impact, as the projected 70,000 units indicate. Under the new bill applicants will be allowed to include as many units and locations into one request as they wish.

Ms. Milkavich asked if they have the ability to mount the facilities onto buildings instead. Mr. Hall answered because they would have to negotiate a contract for each location and it would be too overwhelming, considering the large number of facilities that need to be hung. There will still be some request for them in locations outside of rights-of-way, but the majority will be in the rights-of-way.

Mr. Nay wondered if the City could require them to be co-located on LED billboards. Mr. Hall answered no, the City can't require them to locate there because billboards are private property.

Mr. Hall stated his primary objective is to write the best ordinance possible that complies with State Code for the Planning Commission meeting so it can be moved on to City Council and meet our time line requirements. If the ordinance does not pass then the State Code takes precedence on May 11, 2018. It is much better for this issue to be guided by our ordinances than solely by the State Guidelines.

#### OTHER BUSINESS

There was no other business.

The meeting was adjourned at 8:38 p.m.



Jared Hall, Supervisor  
Community and Economic Development