

Minutes of the Planning Commission meeting held on Thursday, April 5, 2018, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Lisa Milkavich, Vice Chair  
Maren Patterson  
Phil Markham  
Scot Woodbury  
Sue Wilson  
Ned Hacker  
Jared Hall, Community & Economic Development Supervisor  
Brad McIlrath, Associate Planner  
Jim McNulty, Development Services Manager  
Briant Farnsworth, Deputy City Attorney  
Citizens

Excused: Travis Nay, Chair

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

Lisa Milkavich opened the meeting and welcomed those present. She reviewed the public meeting rules and procedures.

#### APPROVAL OF MINUTES

Mr. Woodbury made a motion to approve the minutes from the March 15, 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 Larry Miller Used Car Supermarket, Barrett & Mortensen ADU, JDM Legends and Derek Wells. Mr. Woodbury seconded the motion.

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

#### TONKA TRUCK – 1912 East Jeremy Drive - Project #18-33

Chris Waters was present to represent this request. Brad McIlrath reviewed the location and request for a Major Home Occupation to operate an excavation contractor business (Office Only) from his home at the property addressed 1912 East Jeremy Drive, located in the R-1-10 Zone. Mr. McIlrath stated that the applicant was under the impression he had already obtained a Murray City business license, this application is to bring him into compliance. The applicant was not able to obtain the signatures from surrounding neighbors to allow the Major Home Occupation business at his home and this now must go before the Planning Commission. Murray City ordinance does not allow the storage of equipment on the property or business vehicles with a GVW of 12,000 LBS. This home business would be considered as a home office only in which the applicant would use his personal vehicle to commute to

the location where his vehicles are stored. Staff has recommended that any existing business vehicles or materials be removed from the property and provide documentation of the off-site location where the business equipment, vehicles, and trailers are to be stored. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Major Home Occupation subject to conditions.

Chris Waters, 1912 East Jeremy Drive, stated he has reviewed the conditions and will be able to comply.

The meeting was opened for public comment.

Richard Gordon, 1887 East Casino Way, stated he lives adjacent to Mr. Waters and is not concerned that Mr. Waters will be doing his books from home, but is concerned that the construction business may have a tendency to flow over to his home, especially if the business grows. Mr. Gordon added that Mr. Waters has expressed the desire to build a large industrial building on his property and is concerned it will be used for business purposes. Mr. Gordon stated he is opposed to Mr. Waters building the large building.

Nancy Nielsen, 1883 East Casino Way, stated her property backs Mr. Waters property. Ms. Nielsen stated she is concerned about the large storage unit that Mr. Waters previously stated he was interested in building on his property.

Kay Sorensen, 1875 Casino Way, stated she is concerned the large shop that Mr. Waters proposed to build on or may be built very near her property line. Ms. Sorensen wondered why a 66-foot shop would be necessary for Mr. Waters personal use and stated she is concerned that the construction equipment would be stored on the property again.

Russ Sorensen, 1875 Casino Way, and stated he is aware that vehicles over 12,000 lbs. are not allowed to be stored at the home but assumed that Mr. Sorensen will be parking his large construction vehicles and equipment in the rear of his residential property.

Angela Anderson, 1876 East Monterey Drive, stated she is concerned that Mr. Waters currently has several utility trailers parked on a cement pad on his residential property and believes they are business related.

The public comment portion was closed.

Mr. McIlrath addressed the resident concerns and stated City code allows accessory structures on some properties that are 20 feet high or the height of the house, whichever is less. Mr. Waters would be allowed to construct the accessory structure if it were 20 feet tall or less, does not exceed 25% of the rear yard area with all structures not to exceed 35% of the total lot area, provides a 5-foot allowance for the utility easement on the rear property line and obtains all building permits. Mr. McIlrath added that Mr. Waters would not be allowed to use any rear yard structure or the attached garage to the house for the storage related to the business. Staff recommended that Mr. Waters remove all existing commercial equipment from the residential property. If the City is notified that Mr. Waters uses the property or the proposed accessory structure for his business, then enforcement could get involved and possibly revoke his business license. If there any utility trailers on the property that may be used for any business purposes they will need to be removed based on the use and not necessarily just the weight.

Ms. Patterson asked if Mr. Waters must remove any equipment and vehicles associated with the business before he can be approved for a business license. Mr. McIlrath stated that is correct. Ms. Patterson asked what recourse the neighbors could take if they believe Mr. Waters is out of compliance in the future. Mr. McIlrath answered the neighbors could report any possible violations to the City by contacting staff or the Murray City website. The City prefers that citizens use the Report a Concern function on the website because it gives the City a tracking mechanism for enforcement issues. Mr. Woodbury asked if condition number four that limits only one vehicle to be parked at the premises would include a flatbed trailer. Mr. McIlrath answered the ordinance states no business vehicles or trailers that transport the same. Mr. Woodbury asked if the flatbed trailer is used to haul personal and business items would the trailer be allowed to be stored on the property. Mr. McIlrath stated the City would have to witness the trailer being used for business purposes to be able to enforce the situation. Mr. Woodbury encouraged the residents to be vigilant in notifying the City if there is a violation of the Conditional Use Permit so that it can be addressed.

Mr. Waters, 1912 East Jeremy Drive, stated he does not want to be a nuisance to the neighbors and has been running the business for the past 3 years and has not had any complaints yet. Mr. Waters confirmed the flatbed trailer is for business use and it will be moved. Mr. Waters stated he believes he is allowed one personal vehicle and one business vehicle and would have two trucks at his residence. Mr. Waters said the proposed accessory structure is actually an RV Garage.

Ms. Patterson made a motion to approve the Major Home Occupation request for the excavation contractor business at the property addressed 1912 East Jeremy Drive, subject to the following conditions:

1. The home occupation business shall comply with all applicable building and fire code standards.
2. The applicant shall not store any equipment, vehicles, or trailers used for the business at this residential location. The applicant shall provide proof/ documentation of the off-site location where the business equipment, vehicles, and trailers are to be stored.
3. All existing equipment or material shall be removed from the property prior to the issuance of a business license.
4. Only one business vehicle may be parked at the premises provided that such vehicle does not exceed a gross vehicle weight of 12,000 pounds.
5. The home occupation shall not occupy more than 25% of the total main floor square footage, or 50% of the total basement square footage. That portion of the home shall only be used for a home office and no storage of equipment.
6. The home occupation shall not use a garage or any other detached structure for the storage of business related equipment.
7. The applicant shall maintain his Utah State professional license for the contractor business.
8. The applicant shall obtain a Murray City Business License and pay all applicable fees.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. McIlrath.

  A   Maren Patterson  
  A   Scot Woodbury  
  N   Phil Markham  
  A   Sue Wilson  
  A   Ned Hacker  
  A   Lisa Milkavich

Motion passed 5-1.

HOLYSTONE DISTILLERY – 207 West 4860 South #5 - Project #18-28

Michael De Shazo was present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for a distilling and package agency business to be located at the property addressed 207 West 4860 South, Unit #5, located in the M-U Zone. Mr. McIlrath stated the M-U zone allows the retail sales of the products as a permitted use but the distillery requires a Conditional Use Permit. The business activities include distilling vodka, whisky, and retail sales. The Utah Department of Alcoholic Beverage Control allows a brewery or distillery under a package agency to be able to make the product locally and sell it, but does not include sales of any other products. The building was recently built and approved administratively, and meets the standards for the M-U zone. The landscaping will be installed as previously approved by Staff. The 1<sup>st</sup> floor will contain the alcohol still, mechanical equipment, tank, racking, a small office space and a customer retail area. The 2<sup>nd</sup> story will be an open mezzanine area for storage. Parking will be to the rear of the building and includes ADA stalls. The applicant will need to work with the Murray City Fire Department and Building Division to obtain all required permits and approvals, as well as comply with all DABC requirements. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of a Conditional Use Permit subject to conditions.

Michael De Shazo, 1644 East 4500 South, stated he has reviewed the conditions and will be able to comply.

The meeting was opened for public comment.

Gene Chavez, 224 West 4860 South, stated his residence is located near the proposed site for the Holystone Distillery and feels there is not enough passage to allow Fire Trucks proper access. Mr. Chavez wondered how many customers this business might have and would parking be allowed on the street. Mr. Chavez also has concerns if any odors may be emitted from the distillery and if industrial waste will be stored outdoors.

The public comment portion was closed.

Mr. McIlrath addressed the resident concerns and stated 4860 South is a private street and the access was reviewed when the initial site plan was submitted and emergency access was not a concern. The building as a whole requires 24 parking spaces but 28 will be provided in front of the building, the parking will not encroach on the existing right-of-way. Mr. McIlrath gave a history of the area and stated this property has previously been an industrial area. The M-U zone allows manufacturing under 12,000 sq. feet in size. This unit is 1600 sq. feet,

all equipment must be contained inside, and business activity is not allowed to produce offensive odors according to ordinance. Mr. Woodbury asked why this private street exists. Mr. McIlrath answered that this area was sub divided as a commercial subdivision. The surrounding properties were previously separate lots, this specific property used to be three separate properties which have since been combined into one property. Currently Murray City does not allow the creation of private streets.

Ms. Wilson made a motion to approve the Conditional Use Permit for distilling and package agency business at the property addressed 207 West 4860 South, subject to the following conditions:

1. The project shall meet all applicable building and fire code standards.
2. The applicants shall obtain a Murray City Building Permit for the tenant improvement. Building plans shall be submitted and approved prior to construction.
3. The project shall comply with all applicable Murray City Water and Sewer Division requirements which may include the issuance of a permit for work.
4. The proposed business shall obtain a sign permit for the construction of any future business signage.
5. The proposed business shall obtain Utah State approval for the package agency from the Department of Alcoholic and Beverage Control. A copy of that approval must be provided to the Community and Economic Development Division for record keeping.
6. The applicants shall obtain a Murray City Business License and abide by all associated regulations therein.

Seconded by Mr. Hacker.

Call vote recorded by Mr. McIlrath.

  A   Sue Wilson  
  A   Ned Hacker  
  A   Scot Woodbury  
  A   Maren Patterson  
  A   Phil Markham  
  A   Lisa Milkavich

Motion passed 6-0.

Commissioner Wilson was excused.

ON TRACK MUSIC – 5374 South 900 East - Project #18-30

Scott Graves was present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for the expansion of the music school located at the property addressed 6374 South 900 East, located in the R-N-B Zone. Mr. McIlrath stated the applicant operates an approved home occupation music teaching business in his residence and proposes to convert the existing home into a commercial music school. The property is zoned Residential Neighborhood Business which allows art, drama and music schools.

However, the construction of commercial buildings requires CUP approval. A detached garage will be demolished and a ditch that runs along the rear of the property will be piped in order to accommodate parking. The proposed rear parking area will be repaved and striped to include 10 parking stalls and the front parking area will include one parking stall and one ADA van accessible stall. The proposed building has been evaluated by Staff using the R-N-B Zone standards and it has been determined that the elevation of the frontage must remain residential in character, allow commercial components to exist in the rear, and that hours of operation will be limited. The landscaping will include a masonry wall, buffer landscaping and trees along the rear property line. The proposed site plan shows a two-story building that will include a production studio, three studio rooms, storage, group instruction room and an office. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of a Conditional Use Permit subject to conditions.

Mr. Markham asked who will be the authority that will approve and review any color material changes on the structure. Mr. McIlrath answered that City Staff has recommended an earth tone pallet and Planning Staff would review any changes. Mr. Markham asked if the neighborhood to the rear was noticed about this project. Mr. McIlrath stated yes, properties within 300 feet are noticed for a Conditional Use Permit.

Mr. Woodbury asked if an A-frame sign would be allowed. Mr. McIlrath answered that Staff is aware of the the non-conforming A-frame sign and it will required that it be removed.

Mr. Hacker asked if there is any concern with noise that might affect the neighborhoods. Mr. McIlrath answered yes, and that is why a 6-foot buffer wall is required and Staff recommended that the existing trees remain along the rear property line. Staff has not received any feedback from neighbors in regard to this proposal. Ms. Milkavich asked if there have been any previous noise complaints from the existing music school. Mr. McIlrath answered there have not.

Scott Graves, 6374 South 900 East, stated he has reviewed the conditions and will be able to comply. Mr. Graves added that the color he had previously chosen looked pink and did not like it. Mr. Graves stated that the surrounding house are all earth tones and he will choose a color that complies.

The meeting was opened for public comment.

Sam McConkie, 6375 South Glen Oaks, stated he lives behind Mr. Graves and is not opposed to the project. Mr. McConkie asked when the project would begin and end, if the fence height could be taller than 6 feet, what material the fence will be and if the three existing trees on the property will remain and not be taken out. Mr. McConkie added that Mr. Graves is a great neighbor.

The public comment portion was closed.

Mr. McIlrath address the resident concerns and stated the buffer fence is required to be masonry material and could also be a post and panel fence that is concrete with a masonry design. Mr. McIlrath stated that the trees currently on the property can be left there if the property owner wishes but, Staff is requiring that three trees shown on the site plan must be provided for buffering purposes. Mr. McIlrath stated that the Planning Commission has the authority to increase the fence height from 6 feet up to 8 feet if they deem it necessary. Staff did not require additional fence height because there will other buffering. During the site visit

Staff noticed that the bordering properties were not very visible with the use of the existing 6-foot fence. Ms. Patterson asked what how tall the fences are for the neighboring businesses. Mr. McIlrath answered Clarus Vision and the business to the south both have a 6-foot fence. Mr. McIlrath added that the Conditional Use Permit expires in 2 years.

Mr. Graves, 6374 South 900 East, stated he hopes to have everything done by the end of 2019 because his architect told him it would take 6 to 8 months for construction. Mr. Graves said he is willing to keep as many of the trees as he can as long as they are compliant and within the buffering area. Mr. Graves stated if he is required to raise his fence higher than 6 feet tall his would be taller than the other surrounding business were required to have.

Mr. Woodbury asked if Mr. Graves wished to build a fence taller than 6 feet would he need to have his CUP amended to allow it. Mr. McIlrath stated yes, the requirement is only allowed to be 6 feet tall but the planning commission could change the condition to be up to 8 feet high if they wish. Mr. Woodbury stated he would be comfortable allowing the fence to be up to 8 feet tall but not mandate the requirement.

Mr. Woodbury made a motion to approve a Conditional Use Permit for expansion of the music school at the property addressed 6374 South 900 East, subject to the following conditions with the amendment to condition # 7:

1. The project shall meet all applicable building and fire code standards.
2. The applicant or contractor shall obtain a Murray City Building permit prior to any construction. The permit application shall include the following:
  - (a) Complete plans with structural calculations, etc. that are stamped and signed by an architect and/or engineer;
  - (b) A soils report completed by a Geotechnical Engineer; and
  - (c) A completed change of use form provided by the Building Division.
3. The project shall comply with the following requirements of the Murray City Engineer:
  - (a) The project must comply with City storm drain requirements, with on-site detention or retention required;
  - (b) The applicant will need to obtain approval from the Walker Ditch Company and pipe the ditch through the site;
  - (c) Any damaged sidewalk along 900 East will need to be replaced;
  - (d) The applicant will need to obtain a UDOT permit for the site access change and the sidewalk through the access drive approach will need to meet standards.
4. The project shall comply with all Murray City Water and Sewer Division requirements.
5. The building design and color template shall incorporate an earth-tone style which is comparable and compatible with the color schemes used for the other R-N-B Zoned properties along 900 East.
6. The landscaping buffer between the west property line and parking lot shall be a minimum of ten feet (10') wide exclusive of the masonry wall. The buffer landscaping along the west property line shall include the three (3) shade trees as shown on the submitted plans.

7. The perimeter fence along the west property line shall be a minimum of six feet (6') tall or a maximum of eight feet (8') tall and consist of masonry material as required by ordinance.
8. The front setback landscaping shall have a minimum depth of ten feet (10') and include: one (1) tree, two (2) 5-gallon shrubs, and four (4) 1-gallon shrubs.
9. All landscaping areas shall maintain a minimum landscape bed coverage of 50% at time of planting. (Ground cover includes grass, shrubs, and other low growth plant material.)
10. The entire parking lot shall be paved and striped to comply with development standards outlined in Chapter 17.72 of the Land Use Ordinance. The access aisle for the van accessible ADA parking space shall have a minimum width of eight feet (8').
11. The business shall comply with the hours of operation limitations of the R-N-B Zone which requires that commercial uses not be open before seven o'clock (7:00) A.M. or open after ten o'clock (10:00) P.M.
12. The applicant shall obtain a new Murray City Business License for the commercial school business and close the home occupation business license prior to the commencement of operations as a commercial music school.
13. A sign permit shall be obtained prior to the installation of future attached signage and the monument sign.

Seconded by Ms. Patterson.

Call vote recorded by Mr. McIlrath.

   A Scot Woodbury  
   A Maren Patterson  
   A Phil Markham  
   A Ned Hacker  
   A Lisa Milkavich

Motion passed 5-0.

ANTHONY FARLEY – 295 East Mountain View Drive - Project #18-32

Anthony Farley was present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit for an Accessory Dwelling Unit to be located on the property addressed 295 E. Mountain View Drive, located in the R-1-8 Zone. Mr. Hall stated the property has a large driveway and detached garage and, Staff has not recommended any additional parking to be added because the property already meets the minimum requirement of 2 additional parking spaces. The site plan shows a proposed 816 sq. foot, two-bedroom ADU in the basement of a 3,216-sq. foot home. Staff at this time feels the application meets the requirements very well and there should not be any obvious signs that a second family would be occupying the second unit in this home. 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 subject to conditions.

Anthony J. Farley, 295 East Mountainview Drive, stated he has reviewed the conditions and will be able to comply.

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

Ms. Patterson made a motion to approve a Conditional Use Permit to allow an Accessory Dwelling Unit at the property addressed 295 E. Mountain View 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 throughout the house.
3. Separately controlled heating shall be provided for each area, such as base board heating, a dual zone furnace, etc.
4. Egress windows are required in bedrooms (1970 allowance can be applied).
5. The applicant is required to apply for a building permit allowing an appropriate inspection or inspections to occur prior to occupancy of the ADU.
6. 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.
7. 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.
8. The property owners shall obtain a rental business license from Murray City prior to allowing occupancy of the ADU.

Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

  A   Maren Patterson  
  A   Phil Markham  
  A   Scot Woodbury  
  A   Ned Hacker  
  A   Lisa Milkavich

Motion passed 5-0.

GRANTON SQUARE SUBDIVISION – 74-118 West 4800 South – 61 Townhome Subdivision  
& P.U.D. Final Review - Project #17-167

Jared Hall reviewed the location and request for Final Planned Unit Development (PUD) Subdivision approval for 61 townhomes on property located at 118 West 4800 South. The PUD subdivision is the residential component of a proposed Mixed-Use Development on the subject property which also includes a three-story office building located in the M-U zone. The Planning Commission granted Preliminary PUD Subdivision approval and Conditional Use approval for the associated office building on December 7, 2018. There were several conditions of approval attached which the applicant should have addressed for Final PUD Subdivision approval which staff will review in this report. As part of the project an office building is proposed to be built on the front southern portion of the property and 61 townhomes on the north end. Because this is a Mixed-Use development a Memorandum of Understanding has been developed that will control the timing of the two projects so that the commercial portion is built and the residential portion is not abandoned. Mr. Hall reviewed the requirements and timing from the updated MOU and stated the developer must apply for the building permits for the office building, the developer must complete footings and foundations for the office building prior to any issuance of permits for town homes, must complete first floor of the office building before the Certificate of Occupancy be granted for a maximum of 20 of the townhome units and when the developers have completed the 2<sup>nd</sup> and 3<sup>rd</sup> floors of the office building the City can issue Certificates of Occupancy for the remaining townhomes. The town home units have been modified slightly since the preliminary approval which allows roof access to roof gardens on each unit. The site plan shows additional recreation amenities. 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 Final PUD Subdivision approval to the Mayor subject to conditions.

Michael Brodsky, 308 East 4500 South, stated he has reviewed the conditions and will be able to comply including the revised condition number 4i. Mr. Brodsky explained that the purpose of the MOU was created to ensure that the residential portion of the project gets built after the commercial portion is started. Mr. Brodsky stated he is in agreement with the MOU.

Mr. Woodbury asked how long the project will take. Mr. Brodsky stated the architect will apply for the building permit on April 10, 2018. The commercial office building will be sub-contracted out to First Construction. The residential portion will be built by Hamlet. Over all the project will take two years from start to finish. Mr. Woodbury stated he likes the addition of the rooftop Gardens. Ms. Patterson added she likes the addition of the outdoor amenities. Mr. Brodsky stated the amenities were original concepts of Zachary Brodsky.

Mr. Hall stated that all parties are in agreement about the language submitted and presented in the current MOU by Staff at the Planning Commission meeting.

Mr. Woodbury made a motion that the Planning Commission forward a recommendation of Final PUD Subdivision approval to the Mayor, 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 enter into the Memorandum of Understanding with Murray City and

abide by all terms of the agreement.

4. The project shall meet all requirements of the City Engineer, including:
  - a. The project shall meet all City subdivision standards.
  - b. The project shall provide public utility easements (PUE's) in common areas and as required by Murray City Power, Water & Sewer.
  - c. The project shall meet City storm drainage requirements, including on site detention/retention as required.
  - d. The applicant shall provide roadway dedication along 4800 South for the required 8' wide park strip and 7' wide sidewalk and construct the cul-de-sac road to City standards including 8' wide park strip and 7' wide sidewalk.
  - e. The applicant shall provide a site geotechnical study and implement requirements.
  - f. Provide a site traffic impact study and implement any recommendations. The study should evaluate the intersection at 4800 South & State and 4800 South & Commerce.
  - g. Submit a site plan to the UDOT Chief Railroad Engineer for review and implement any required rail safety improvements.
  - h. The applicant shall obtain UTA and UDOT reviews and permits for the required pedestrian safety improvements at the UTA Trax crossing.
  - i. The applicant shall obtain and provide a copy of any environmental testing or assessments done on the property. The applicant shall further investigate and remediate the elevated lead and arsenic levels (above residential cleanup levels) that are reported in the Phase 1 Environmental Site Assessment dated February 6, 2018 (Phase 1 Report) and address any other environmental issues discussed in the Phase 1 Report and/or encountered on the site.
5. The applicant shall obtain easement agreements for City water and sewer lines that extend through the S & A Leasing property.
6. The applicant shall install and provide for the maintenance of the fencing for the project as reviewed in the staff report.
7. The applicant shall install and provide for the maintenance of the open space and associated amenities for the project as reviewed in the staff report.
8. The applicant shall provide site lighting for the subdivision as outlined in the staff report and coordinate final plans and installation with the Murray City Power Department.
9. The project shall be constructed adhering to the architectural elevations and materials as presented in the staff report.

Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

  A   Scot Woodbury  
  A   Phil Markham  
  A   Maren Patterson  
  A   Ned Hacker  
  A   Lisa Milkavich

Motion passed 5-0.

LAND USE ORDINANCE – Municipal Code Section 17.82 – New Small Wireless Facilities Ordinance – Project #18-29

Jared Hall reviewed the request for the proposed Planning Commission consideration of a new ordinance regulating the installation of Small Wireless Facilities (SWFs) in the City for Municipal Code Section 17.82. Section 17.82 will identify the types of allowed equipment which are Omni -Directional Antennas, Directional Antennas, Radio Units, UE Relays, Power Distribution Modules, and certain Monopoles. Section 17.82.050 defines some of the requirements for siting and design standards which include the site and area Assessment; co-location required where ever possible: integrated design to insure the facility is in harmony with the surrounding area. Height and dimension of new monopoles to comply with 30 feet tall along local streets and 40 feet tall on major and minor collector and arterial streets, power supply should be accomplished in a manner that reduces visibility, new poles constructed of metal or metal in appearance only, no wood poles. Section 17.82.606 addresses the Technical Necessity Exception which provides relief by approval of a hardship as defined by Murray City. Under the new state rules, the City does not get to disallow SWFS anywhere except where a new facility would be going in adjacent to a right-of-way that is less than 60 feet wide in a residential area. In that area we can prohibit new monopoles with the new zoning ordinance. Table 1 demonstrates the cases where the new poles would be disallowed. The City is not allowed to call for Conditional Use Permits to allow Small Wireless Facilities according to the State. Based on the information presented in this report, Staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed text amendment.

Mr. Markham asked how prevalent we anticipate future requests to be under the new laws. Mr. Hall stated he estimates requests could be up to several hundred facilities in Murray City alone eventually.

Mr. Markham stated that he is glad the City has been pro-active with the proposed new ordinance to help control future requests.

The public hearing was opened for public comment. There was no public comment and the public hearing portion was closed.

Mr. Woodbury made a motion to forward a recommendation of approval to the City Council for the proposed text amendment to the Murray City Land Use Ordinance, Section 17.82, Small Wireless Facilities in the Public-of-Way.

Seconded by Mr. Markham.

Call vote recorded by Mr. McIlrath.

A   Scot Woodbury  
  A   Phil Markham  
  A   Maren Patterson  
  A   Ned Hacker  
  A   Lisa Milkavich

Motion passed 5-0.


OTHER BUSINESS

Jim McNulty stated the next Planning Commission meeting will be held April 19, 2018. Mr. McNulty added that the Business Park and Professional Office Zones are on the City Council agenda for possible adoption. The Small Cell discussion will be on the agenda for the Committee of the Whole. The public hearing for the Small Wireless Facilities is scheduled for May 1, 2018.

Mr. McNulty stated Community and Economic Development had been tasked to handle the proposed legislation changes on a daily basis. Now that these requests are starting to be completed Staff will start to work on the Sign Code again and the Land Use Development Code in it's entirety shortly after.

Mr. McNulty wished Mr. McIlrath a fond farewell and good luck at his new position. Mr. McIlrath stated it was been a pleasure working with the Planning Commission and the Community and Economic Development Division over the past years.

The meeting was adjourned at 8:24 p.m.

  
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Jared Hall, Supervisor  
Community and Economic Development