

Minutes of the Planning Commission meeting held on Thursday, October 2, 2014, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Phil Markham, Vice-Chair
Karen Daniels
Tim Taylor
Buck Swaney
Jared Hall, Community and Economic Development Manager
Brad McIlrath, Assistant Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Scot Woodbury, Chair
Vicki Mackay
Gary Dansie

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

Phil Markham opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Ms. Daniels made a motion to approve the minutes of September 4, 2014 as written. Mr. Swaney seconded the motion.

A voice vote was made. Motion passed, 4-0

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Taylor made a motion to approve the Findings of Fact for Murray School District, RMD Painting & Restoration and Larry H. Miller Chevrolet. Seconded by Mr. Swaney.

A voice vote was made. Motion passed, 4-0

JEFF & LORI CHIVERS – 5059 South Morning Dew Circle – Project #14-161

Jeff & Lori Chivers were the applicants present to represent this request. Brad McIlrath reviewed the location and request for a Conditional Use Permit for an Accessory Dwelling Unit for the property addressed 5059 S. Morning Dew Circle. Municipal Code Ordinance 17.78 allows Accessory Dwelling Units within the R-1-8 zoning district subject to Conditional Use Permit approval. The applicants propose to remodel a portion of their basement in order create an accessory dwelling unit (ADU). The proposed ADU will consist of two bedrooms, one living room, one bathroom and a kitchen area with permanent cooking facilities. The ADU will be 825 square feet in size and will comprise twenty-seven and a half percent (27.5%) of the main dwelling.

The applicants will continue to use the remaining area of the basement as part of the main dwelling and will close off all other accesses between the ADU and the main dwelling except for one which will be used for access to the furnace room. The owner will continue to reside in the main dwelling and provide the ADU for use by other family or persons for rent. As part of the proposal the applicants will construct a separate sidewalk leading from the front yard to the rear yard where a separate landing and entrance for the ADU will be provided. The primary dwelling is required to have two (2) off-street parking spaces and an additional two (2) off street parking spaces must be provided for the ADU. No fewer than four (4) total off-street parking spaces must be provided for the site. Any additional occupant vehicles shall be parked on site and any on street parking may only be used for visitors. The applicant has submitted a site plan indicating the location of the dwelling on the property along with the proposed changes. According to the site plan and a site visit, the single-family residence appears to comply with the minimum setback standards of the R-1-8 zoning district. According to the Salt Lake County Assessor's Map, the residence was constructed in 1976 and is therefore only required to have a minimum fifteen foot (15') rear yard setback in the R-1-8 zoning district. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the Conditional Use Permit for an Accessory Dwelling Unit subject to conditions.

Jeff Chivers, 5059 South Morning Dew Circle, stated he is the owner of the property. He stated he and his wife are empty nesters and they are wishing to rent the accessory dwelling unit and have enjoyed living in their home. Mr. Chivers stated he has reviewed the staff recommended conditions of approval and will comply.

Ms. Daniels asked Mr. Chivers if they will be able to accommodate four vehicles in the driveway. Mr. Chivers stated there is a two-car garage and they have kids come over all the time and they fit as many as six vehicles in the driveway without any problem. He stated his daughter and son-in-law have been living with them for the past 18 months and there were no problems with at least four vehicles in the driveway, in addition to the garage parking.

Mr. Taylor made a motion to grant Conditional Use Permit approval for an accessory dwelling unit (ADU) for the property addressed 5059 South Morning Dew Circle subject to the following conditions:

1. The project shall meet all applicable building code standards. Provide interconnected and hardwired smoke detectors and carbon monoxide detectors between units.
2. The project shall meet all current fire codes.
3. The project shall comply with all development standards for Accessory Dwelling Units as outlined in Chapter 17.78, including the specific standards listed below:
 - (a) The installation of separate utility meters and the creation of separate addresses are prohibited.
 - (b) The ADU shall not be occupied by more than two (2) related or

- unrelated adults and their children.
- (c) A minimum of four (4) off-street parking spaces shall be provided for the main dwelling and accessory dwelling unit. All additional occupant vehicles shall also be parked on site with all on street parking only being reserved for visitors.
 - (d) The property owner shall occupy the main dwelling or the accessory dwelling unit.
 - (e) The owners shall record with the Salt Lake County Recorder's Office an Owner Occupancy Affidavit stating that the owner of the property will reside in either the primary or accessory dwelling unit as their permanent residence. A copy of that recorded affidavit shall be provided to Community Development Staff.

Seconded by Ms. Daniels.

Call vote recorded by Brad McIlrath.

A _____ Buck Swaney
A _____ Karen Daniels
A _____ Tim Taylor
A _____ Phil Markham

Motion passed, 4-0.

ALPINE GARDENS SUBDIVISION AMENDMENT – 5372 & 5374 South Alpine Drive
– Project #14-164

The applicant was not present to represent this request, but had previously indicated that he had a personal commitment to attend to and asked that this item be reviewed in his absence. Jared Hall reviewed the location and request of Nick Young for subdivision approval for a boundary line amendment of lots 7 & 8 in Alpine Gardens Subdivision at the properties addressed 5372 and 5374 South Alpine Drive. This application is to correct the boundary line adjustment and quit claim deeds previously recorded. This application is for an amendment of the existing subdivision. (No new lots are being created). Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. The lot sizes currently conform to standards of the underlying R-1-8 zoning district. Lot sizes will remain in compliance and as stated previously no new lot is being created by this adjustment. Murray City Code Title 16 outlines the requirements for subdivision review. The Murray Planning Commission is required by State Code (10-9a-207) to conduct a public hearing and review all subdivisions of property within the City. The Planning Commission's role is to ensure that a proposed subdivision is consistent with established ordinances, policies and planning practices of the City. The Planning Commission acts as the land use authority for Murray City. Mr. Hall stated that the applicant has indicated they will meet the recommended conditions of approval. Based on the information presented in this report, application materials submitted and the site review, staff recommends subdivision boundary amendment approval for lots 7 & 8 in Alpine Gardens subject to conditions.

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

Ms. Daniels made a motion to send a recommendation of approval for the subdivision amendment for lots 7 & 8 in the Alpine Gardens Subdivision addressed 5372 & 5374 South Alpine Drive, subject to the following conditions:

1. The applicant will meet all requirements of the Murray City Engineer for the recording of the boundary adjustments at the Salt Lake County Recorder's Office.
2. Show utility easements on the lots to meet the subdivision ordinance regulations.
3. The project shall meet all applicable building code standards with the property line adjustment. Building code compliance is required for fire resistive exterior wall construction.
4. The project shall meet all current fire codes.
5. The project shall comply with Murray Power and Water & Sewer Department requirements.

Seconded by Mr. Taylor.

Call vote recorded by Brad McIlrath.

A Buck Swaney
A Karen Daniels
A Tim Taylor
A Phil Markham

Motion passed, 4-0.

LAND USE ORDINANCE AMENDMENT – Secondary Kitchen in Single Family Residential Dwellings – Project #14-165 – Public Hearing

Brad McIlrath reviewed the request for Secondary Kitchens in the Single-Family Residential Zoning Districts to allow for a variety of accessory uses as either permitted or conditional uses. Currently the Murray City Zoning Ordinance allows for the installation or existence of a second kitchen only with approval of a Conditional Use Permit for an Accessory Dwelling Unit. With the adoption of regulations for Accessory Dwelling Units outlined in Chapter 17.78 of the Murray Municipal Code, applications have been submitted to create those types of dwelling units with existing or proposed second kitchens. However, Staff has observed that not all the demands for second kitchens can be met with compliance to those standards. There have been numerous applications for basement remodels with existing or proposed second kitchens which have required the resident to either remove the second kitchen or apply for an Accessory Dwelling Unit. The purpose of the proposed amendment is to provide opportunities for residents to have a second kitchen within a single-family dwelling for use by the family for entertaining, recreation or convenience without

creating a new dwelling unit. The proposed development standards are intended to promote the use of a second kitchen by one family while still preventing the creation of a new dwelling unit except as allowed by an accessory dwelling unit according standards outlined in Chapter 17.78 of the Murray Municipal Code. Second kitchens will be allowed in all single-family residential zoning districts subject to the development standards. The specific development standards outlined below would apply to all second kitchens.

- A. The residence may only have one front entrance, one address and no more than one electrical meter.
- B. Interior access shall be maintained to all parts of the residence to assure that an accessory unit or apartment is not created.
- C. A second kitchen shall exist only as part of the primary structure and shall not be installed in an accessory building.
- D. Approval of a second kitchen shall not constitute an approval of a second dwelling unit or an accessory dwelling unit without the required approvals for such as prescribed under Chapter 17.78.
- E. The property owner shall sign and record a written restrictive covenant prescribed by Murray City limiting the use of the single-family residence to one family only. The covenant will run with the property and be binding on all future parties and as such will serve as a notice that the existence of the second kitchen does not constitute City approval of a secondary unit.

Based upon the above findings and conclusion, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed zoning text amendment to allow second kitchens in single-family residential dwellings with the proposed development standards.

Mr. Markham opened the public hearing for any comments. No comments were made by the public and the public hearing was closed.

Mr. Swaney asked about the development standards 17.79.040(a) indicating the residence shall have only one front entrance. He suggested having the wording be "primary entrance" rather than front entrance to help staff avoid problems with potential new construction that may have a primary and secondary entrance on the front of the home. He suggested 17.79.050 to better specify that applicants for second kitchen shall provide a copy of the recorded, signed and notarized restrictive covenants stating that the owner "or lease holder" of the property will live in the primary dwelling. Mr. Taylor concurred. He suggested the wording for 17.79.040(a) be determined by staff as to the wording "primary entrance" or "front entrance", etc. Mr. Swaney agreed with Mr. Taylor' suggestion. Mr. Hall stated that the flexibility in the wording is possible given that the intent of the ordinance is met.

Ms. Daniels made a motion to send a positive recommendation to the city council for

the proposed Land Use Ordinance text amendment to allow Secondary Kitchens in single family residential dwellings with the few changes as stated. Seconded by Mr. Taylor.

Call vote recorded by Brad McIlrath.

A _____ Buck Swaney

A _____ Karen Daniels

A _____ Tim Taylor

A _____ Phil Markham

Motion passed, 4-0.

OTHER BUSINESS

Mr. Hall indicated that there will be a General Plan Open House on Thursday, October 9th at Murray High School, Spartan Cove, from 5 to 7 p.m. that the commissioners are invited to attend.

Meeting adjourned at 7:00 p.m.

Jared Hall, Manager
Community and Economic Development