

Minutes of the Planning Commission meeting held on Thursday, June 2, 2016, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair
Phil Markham
Scot Woodbury
Buck Swaney
Jared Hall, Community & Economic Development Manager
Ray Christensen, Senior Planner
G. L. Critchfield, Deputy City Attorney
Citizens

Excused: Maren Patterson, Vice-Chair
Sue Wilson
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.

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 May 5, 2016 as submitted. Seconded by Mr. Swaney.

A voice vote was made, motion passes 4-0

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Markham made a motion to approve the Findings of Clean Air Rent-A-Car and Salt Lake County Parks. Mr. Swaney seconded the motion.

A voice vote was made, motion passes 4-0.

SPECTRUM WIRELESS – 4060 South 500 West #6 – Project #16-55

Emily Kellogg was the applicant present to represent this request for a Conditional Use Permit for telecommunications contractor use for the property addressed 4060 South 500 West, Suite #6. Municipal Code Ordinance 17.152.030 allows Contract Construction Services (LU#6600) within the M-G zoning district subject to Conditional Use Permit approval. Spectrum Wireless Solutions is a contractor specializing in infrastructure and support for cellular and data transmission companies. The subject property would serve as office and administration and provide them with shop and warehouse space as well. Suite #6 has a dock and roll up doors, and a fenced outdoor staging and storage area, as well as an office storefront and open parking. The subject property (Suite #6) is 9200 square feet, including 6200 square feet of shop

area. Parking calculations are based on 4 spaces per 1000 square feet of net usable office area, and 1 space per 750 square feet of warehouse and shop area for a total of 16 required spaces. There are 6 striped stalls located within the fenced areas to the immediate west of the suite, and 6 striped stalls directly in front of the entrance. An additional 14 stalls are striped directly west of the building. Parking is generally readily available throughout the complex, including ADA accessible stalls. Staff is not recommending any changes to the parking in connection with this conditional use permit. The only required setback in the M-G zone is the front building setback, 20 feet from the front property line. 10 feet of that setback must be landscaped. The building maintains a front setback of over 90 feet, with 20 feet of landscaping, exceeding the zoning requirements. The first 20 feet of the front setback adjacent to 500 West are landscaped. The site also provides additional landscaped areas in front of individual units. The landscaping adjacent to 500 West is in good condition, but is not in full compliance with the current standards of Section 17.68 with respect to numbers of trees and shrubs. Some additional plant materials should be added. Tenants in the east facing portion of the building are currently using wall mounted signage, and landscaping plans for upgrades should be carefully considered so that the additional plant materials do not restrict the visibility that tenants expect to continue. Staff recommends that the commission include a condition of approval that will allow planning staff to work with the applicant and the property to upgrade the landscaping on the 500 West frontage without impacting sign visibility. The north and south buildings share a 45 foot wide vehicular access from 500 West. Access to the site is also possible at the west end by a shared access from 4100 South. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Emily Kellogg, 4060 South 500 West #6, stated she has reviewed the staff recommendations and will comply.

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

Mr. Markham stated that the commission may wish to consider these types of uses not require a Conditional Use Permit and this is a very good fit for the area. He suggested that this type of use be a permitted use rather than a conditional use in the M-G zone. Mr. Woodbury concurred.

Mr. Woodbury made a motion that the Conditional Use Permit be approved for Spectrum Wireless located at 4060 South 500 West #6, 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 work with staff to provide an appropriate plan to upgrade the landscaping adjacent to 500 West in accordance with the current standards of Section 17.68 of the Murray Land Use Ordinance.

Seconded by Mr. Swaney.

Call vote recorded by Mr. Christensen.

A Buck Swaney
A Scot Woodbury
A Phil Markham
A Travis Nay

Motion passed 4-0.

JUNE HALE – 382 East Hillside Drive – Project #16-56

Steve Underwood was present to represent this request. Jared Hall reviewed the location and request for a Conditional Use Permit to allow an accessory dwelling unit for the property addressed 392 East Hillside Drive. Municipal Code Ordinance 17.78.030 allows an accessory dwelling unit within the R-1-8 zoning district subject to Conditional Use Permit approval. Murray City Land Use ordinances allow residential properties located in single family zones to apply for conditional use approval to allow not only a primary residence, but an accessory dwelling unit as well. The proposed accessory dwelling unit (ADU) in this case is comprised of a kitchen, living room, bedroom and a bathroom in the basement of the principal dwelling. Section 17.78.040 provides standards for review and approval of an ADU. These standards will be reviewed in the following headings. Two additional parking spaces must be provided for the ADU. These spaces must be in addition to the minimum of two parking spaces provided for any residential dwelling, and must be off-street. By code, on-street parking for a lot with an ADU must be "reserved for visitors". The subject property has an existing driveway from Hillside Drive. The driveway is 44 feet long and leads to a two-car garage. The site provides more than the required four off-street parking spaces. Accessory dwelling units may not exceed 40% of the floor area of the dwelling unit, and in no case may be larger than 1000 square feet. Accessory dwelling units may not include more than two bedrooms. The proposed ADU (kitchen, living room, bedrooms and a bathroom) totals 893 square feet, which is 31% of the total dwelling unit (2,849 square feet).

Accessory units may not be accessed by a separate entrance located in the front yard area. The proposed ADU is accessed through a door from an existing patio adjacent to the east facing side-yard of the home. The ordinance requires that the owner of the property occupy either the main dwelling or the accessory dwelling as their primary residence. The applicant currently lives in the primary dwelling, and plans to continue to do so while renting the basement ADU. Evidence of that occupancy must be submitted and maintained with Murray City, and is addressed in the conditions of approval. The purpose of this provision is to ensure that the subject property is maintained and that potential impacts to neighbors can be quickly addressed by the property owner. The applicant is required to submit a form – the Accessory Dwelling Unit – Owner Occupancy Affidavit to staff. The affidavit is also recorded with the Salt Lake County Recorder's office in order for any future property owners to be notified of the status of the accessory unit, and must file the same affidavit. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of a conditional use permit to allow an accessory dwelling unit on the property located at 392 East Hillside Drive subject to conditions.

Mr. Nay stated that any future property owners would also need to file the Owner Occupancy Affidavit.

Steve Underwood, 10808 South Riverfront Parkway Street, South Jordan, stated he has reviewed the staff recommendation and will comply. Mr. Underwood stated he represents the property management company, as well as previous tenant of the property and that he recently moved out. He stated they have been waiting for this approval before filing the Affidavit with the County Recorder's office.

Mr. Nay stated that the commission received an email from Mr. Ford, adjacent property owner, indicating his opposition to this proposal and expressed concern with property values associated with introducing the accessory dwelling unit.

The meeting was opened for public comment.

Roger Ford, 345 East Brahma Drive, stated he is not opposed to this request but stated he wanted the other properties who are doing similarly to be in compliance. He stated some of the other existing rental properties won't be able to meet the parking requirements. He stated he thought the city was notified of the other rental properties in this area a year or so ago.

Suzanne Limberg, 366 East Hillside Drive, stated she has lived in this area since childhood. All the homes were built with total separate basements some 60 years ago. She stated she has since bought her home from her parents and is using it as a single family unit. However, her parents didn't use it as a single family home and they always someone renting the basement. She asked why these homes are not legal nonconforming with the separate basements inclusive of kitchens and were made to have a separate unit downstairs.

The public comment portion was closed for this item.

Mr. Hall stated there may be cases where legal nonconforming (grandfather) uses may exist require that the use had to have been legal at the time the use was established and additionally, that the basement use has continued to be used since that time and that the use could not have been vacant or abandoned for a period of one year or longer, otherwise the "legal nonconforming" use is gone. He stated the city would need to determine whether those basement units were legally established. He stated that the zoning violations will need to be investigated by the zoning officer. He stated accessory buildings are allowed and there is not a number limitation, however, there is a maximize coverage of accessory structures of 25% in the rear yard area, and maximum coverage of 35% allowed for all structures on a lot.

Mr. Woodbury asked when accessory dwelling units were allowed by the city. Mr. Hall responded that accessory dwelling units have been allowed for the past 4-5 years. Mr. Woodbury commented that the process for approval of accessory dwelling units is to provide a mechanism to manage potential basement rentals so as not to impose on adjacent property owners and provide a standard for the type of residential uses in the city.

Mr. Swaney made a motion to grant Conditional Use Permit approval for June Hale for an accessory dwelling unit at 392 East Hillside Drive 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 comply with all applicable development standards for Accessory Dwelling Units as found in Chapter 17.78 of the Murray City Land Use Ordinance.
4. Installation of a separate utility meter for the Accessory Dwelling Unit is prohibited.
5. The applicant shall submit a copy of the recorded Accessory Dwelling Unit – Owner Occupancy Affidavit to Murray City Staff. The affidavit shall also be recorded with the Salt Lake County Recorder.
6. The applicant shall obtain a Murray City Business License and pay applicable penalty fees for renting the unit prior to obtaining a business license.

Seconded by Mr. Woodbury.

Call vote recorded by Mr. Christensen.

A Buck Swaney
A Scot Woodbury
A Phil Markham
A Travis Nay

Motion passed 4-0.

A-1 RECYCLING – 6512 South 400 West – Project #16-64

Tamara Marko was the applicant present to represent this request. Ray Christensen reviewed the location and request for approval for a recycling transfer business to be located at the property addressed 6512 South 400 West. Municipal Code Ordinance 17.152 allows recycling and sorting (LU #4859) within the M-G Zoning District subject to conditional use permit approval. The applicant proposes to operate a metal recycling transfer station business from this 2,000 square foot office warehouse space. This unit includes a 1,000 square foot warehouse space, four offices that total 468 square feet with the remaining area used for a lobby and a restroom. The metal recycling would include the collection of aluminum window frames, small copper tubing, aluminum cans, and other similar types of metal materials. All of the recycling and sorting would be conducted in the warehouse space. The applicant would pick up materials and bring them to the facility to be sorted, boxed and shipped out to larger recycling facilities. Shipments of the materials would occur infrequently and only when there is a sufficient amount of materials that would warrant a shipment. Parking for this type of use is calculated at the rates of, "4 parking spaces for each 1,000 square feet of net office space plus 1 parking space for each 750 square feet of net floor area (warehouse area)." Based upon the submitted plans, a total of three (3) off-street parking spaces are required for this use. Parking for this site is limited within the front area with only one (1) parking space provided. The remaining two (2) parking spaces may be provided within the fenced yard area on the south side of the building. The applicant has indicated that because she will be picking up items, little to no customer traffic is anticipated. The applicant would be operating this business alone and does not envision more than a few people being at this site at any given time. This unit includes a sign for ADA parking, but striping has not been provided. Due to the constraints at this site, any ADA parking could be provided with the front parking space and due to the limited customer

traffic, staff does not see it necessary to stripe this front parking space as an ADA parking space. Based upon a site visit and the submitted application materials, staff has determined that sufficient parking is provided for this small recycling business use. The front setback area includes a sufficient amount of landscaping with lawn and shrub planters. The front setback area does not include trees and according to Chapter 17.68 of the Murray Municipal Code, three (3) trees are required for every one hundred (100) linear feet of property frontage (excluding access driveways). Based upon a site visit and staff measurements, the property has approximately seventy-eight feet (78') of landscaping frontage, therefore two (2) trees are required for this property. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the metal recycling and sorting business at the property addressed 6512 South 400 West subject to conditions.

Mr. Markham asked about the actual sorting or breaking down of materials that will occur within the building rather than outside in the yard area and suggested having as condition stipulating as such. Mr. Christensen responded that he understands the metal sorting will occur inside the building.

Mr. Nay asked if outside storage occurs, if the yard should be screened. Mr. Christensen responded that there is a chain link fence around the property but the commission may require slating the fence to make it more obscure. Mr. Markham suggested that if there is outside activity or storage that there be some type of screening.

Tammy Marko, 6512 South 400 West, stated she has reviewed the staff recommendations and will comply. She stated that all activity is conducted inside the building and there be no outside storage or sorting. She stated they anticipate approximately every two months that a truck will come to pick up the recycling.

The meeting was opened for public comment.

Gary DuPaix, 12302 Hidden Valley Road, Sandy, stated he owns the building. He stated there are slats in the back fence and is obscure. He asked about the requirement for additional trees and his property is the most landscaped property on the street. Mr. Nay responded that with a new conditional use application requires the property be brought up to current code and the landscaping requirements have changed since this property was developed. He asked Mr. DaPaix to work with city staff in regards to the additional tree requirement.

Mr. Swaney made a motion to grant approval for a Conditional Use Permit for A-1 Recycling located at 6512 South 400 West 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 not include the melting down or refining of metals and shall only include the sorting and shipping of materials.
4. Two (2) trees shall be added to the front setback landscaping in order to comply with Chapter 17.68 of the Murray Municipal Code for commercial landscaping.

5. The applicant shall obtain a Murray City Business License prior to the commencement of business operations.

Seconded by Mr. Markham.

Call vote recorded by Mr. Christensen.

A Buck Swaney
A Scot Woodbury
A Phil Markham
A Travis Nay

Motion passed 4-0.

THE ADVOCATES – 703, 709 & 753 East Winchester Street & 736 East Labrum Avenue –
Project #16-57

Matt Driggs was the applicant present to represent this request. Ray Christensen reviewed the location and request for approval of a lot line adjustment for lot 11 of the South Dale Subdivision Amended with the property address of 736 E. Labrum Avenue. The applicants are also requesting approval of a lot line adjustment for remaining portions of lots 1 and 2 of the South Dale Subdivision with the combination of the properties addressed 703, 709, and 753 E. Winchester Street.

Municipal Code Ordinance 16.04.030.C requires that any amendment, vacation, alteration or modification of any prior recorded subdivision plat be approved by Murray City officials. Utah State Code Section 10-9a-608 (5) (a) states that the owners of adjacent parcels that are described either by either a metes and bounds description or by a recorded subdivision plat may exchange title or portions of those parcels if the exchange is approved by the local land use authority in accordance with Subsection (5) (b). (5) (b) The land use authority shall approve an exchange of title under Subsection (5) (a) if the exchange of title will not result in violation of any land use ordinance. 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 meeting and review all subdivisions and lot line adjustments within subdivisions, as noted in Utah State Code Section 10-9a-608 (a) (b) of property within the City. The Planning Commission's role is to ensure that a proposed subdivision, or in this case the amendment of two different subdivisions by way of lot line adjustments, is consistent with established ordinances, policies and planning practices of the City. As allowed by State Code (10-9a-608) the local land use authority may consider amendments to a subdivision plat by way of a lot line adjustment. The petition to do so may only be considered if the fee owners of each of the adjoining lots join in the petition, regardless of whether the lots are located in the same subdivision. In this, the applicants are requesting approval to amend a lot and portions of two other lots that are located in separate subdivisions.

The applicants are requesting approval for two separate, but related lot line adjustments. The first involves selling a portion of the property addressed 709 E. Winchester Street to the property owners to the north that own Lot 11 of the South Dale Subdivision Amended. This is in order for the north residential property to increase the rear yard area for their personal enjoyment and to provide additional buffering distance for this residential property. The portion

that will be transferred to the north property is not needed for the development of the proposed law office properties to the south, and therefore the transfer will benefit both parties involved.

The second adjustment involves the combination of the three properties addressed 703, 709, and 753 E. Winchester Street into one single property in order to construct the approved law office. The east most property (753 E.) includes portions of Lot 1, Lot 2 and a vacated street right of way of the original South Dale Subdivision. The realignment of properties that constitute that subdivision have not previously received city approval as is required by ordinance and state code. In order to comply with those provisions in state and local code and to ensure that this lot consolidation is legally approved, the applicants are proposing the lot line adjustment for these three properties.

The end result of these proposed lot line adjustments will be that, (1) all lots will be legally amended, (2) Lot 11 of the South Dale Subdivision Amended will have a standard rear yard that is required in the R-1-8 Zone, and (3), the lot combinations of the three Winchester Street properties will create a legal and buildable lot for the proposed law office. Based upon review of the legal descriptions, zoning standards, and development standards, staff believes that these actions will be in harmony with applicable state and municipal code standards.

Based on the information presented in this report, application materials submitted and the site review, staff recommends approval of the proposed subdivision amendments by way of lot line adjustments for the properties addressed 736 E. Labrum Avenue, 703, 709, and 753 E. Winchester Street subject to conditions.

Mr. Swaney asked about the water lines being specified in the conditions as opposed to all the other utility connection. Mr. Christensen responded the commercial standards for the water lines is different for a commercial building and are larger lines than residential buildings.

Matthew Driggs, owner of the property designated as "The Advocates". Mr. Driggs stated he has reviewed the conditions of approval and will comply.

Mr. Markham commented that he is very impressed with how this project has been handled. This has been a difficult project and historically this property has been very controversial. Mr. Woodbury concurred.

The meeting was opened for public comment.

Davis Hansen, 736 East Labrum Avenue, stated he is the property owner of the property that is being exchanged. He expressed his appreciation for the efforts made on behalf of The Advocates and their willingness to work with him and the other surrounding residents. He stated this is a win-win situation for all property owners involved.

The public comment portion for this agenda item was closed.

Mr. Woodbury made a motion to approve the proposed lot line adjustment and subdivision amendment for the properties addressed 736 East Labrum Avenue, 703, 709 & 753 East Winchester Street subject to the following conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the exchange of title

and the consolidation of parcels prior to the recording of those documents with the Salt Lake County Recorder's office.

2. The existing three residential water lines in Winchester Street shall be terminated and brought up to current codes for the change of the water line use from residential to commercial.
3. The project shall meet all applicable building code standards.
4. The project shall meet all current fire codes.

Seconded by Mr. Swaney.

Call vote recorded by Mr. Christensen.

A ___ Buck Swaney
A ___ Scot Woodbury
A ___ Phil Markham
A ___ Travis Nay

Motion passed 4-0.

LAND USE TEXT ORDINANCE AMENDMENT – Amend the Planning Commission Geographic Requirement, Section 17.12.030 – Project #16-62 – Public Hearing

Jared Hall presented this proposal of the Murray City Community and Economic Development staff for an amendment to the Murray Land Use Ordinance, Chapter 17.12, specifically to strike Section 17.12.030. Chapter 17.12 establishes the Planning Commission and rules for the appointment of commissioners, their terms and the duties and powers of the commissioners among other things. Section 17.12.030 is titled "Geographical Representation", and currently states:

In order to promote geographical representation on the commission, there shall be at least one member from each designated council district.

Staff is proposing to strike Section 030 entirely, effectively removing the requirement that planning commissioners be selected from each of the council districts. No changes to the terms of appointment or requirements for residency in the City of Murray or any other rules would be changed. While staff recognizes that geographic diversity is important for the commission, recent difficulties in filling vacancies has led us to believe that it may be beneficial to remove the geographic requirement in section 17.12.030, and allow the Mayor and Council to select planning commissioners with the districts and full geographic representation as a consideration, but not as a mandate of the ordinance. The purpose statement of Chapter 17.12 makes it clear that diversity and a balanced representation of the city as a whole is important. In addition to geographic representation, the purpose statement lists professional, neighborhood, and community interests. It further suggests that expertise in areas like banking, development, contracting, engineering, geology, law, and historical preservation among others be considered when selecting commissioners. And finally, speaking to balance and diversity on the commission, the purpose statement cautions that "It is not, however, intended that the

composition of the commission be limited to professions, but rather, that it represent a cross section of the community." In summary, staff proposes that if geographic location continues to be considered among these other factors rather than mandated specifically, the stated purpose of Chapter 17.12 will be better served, not weakened. Based on the above findings, staff recommends that the Planning Commission forward a recommendation of approval to the City Council for the proposed amendment to the text of the Murray Municipal Code Section 17.12.030.

Mr. Hall commented that at times it has been difficult to fill the planning commission positions with the geographic limitation. He commented the staff feels the positions could still be filled with a good diversity and city representation with not having to meet the geographic limitations.

Mr. Markham commented, in his opinion, that geographic representation is very important and should be weighted. He understands the difficulty when the commission is short a member or two and at times has been difficult to fill those geographic positions. He stated that the wording should reflect an emphasis to weight geographic representation as much as possible. Mr. Woodbury concurred.

Mr. Nay asked if other boards or commissions have the same geographic requirement. Mr. Hall responded that a lot do and in his past experience having worked for four other cities, half of those had this requirement. He stated most other boards and commissions within the city do not have this requirement. The Board of Adjustment used to have the geographic requirement, but the city disbanded the Board and now utilizes the Hearing Officers which do not require a geographic representation.

Mr. Nay asked how often a citizen approaches the city asking to be on the planning commission. Mr. Hall responded that seldom happens.

Mr. Hall suggested that the wording be amended so as to strongly suggest that geographic representation be weighted heavily, but not be mandated to serve on the commission. The commission members were amendable to this suggestion.

Mr., Swaney stated that the geographic representation has served well in the past, and he understands his neighborhood very well. There have been a number of times in a neighborhood where an issues have come up in another neighborhood not in his area and he has relied on the commissioner that lived in that area for their opinion and experience. Mr. Woodbury stated that it is beneficial for a commission member to give input on a proposal they are familiar with because of the proximity to the area in which they live.

G.L. Critchfield, Deputy City Attorney, commented that the city council are elected officials and by statute they must come from different districts and is mandated by state law. The Planning Commission is an administrative body which is not elected and if the commission is under the impression that they represent their district that is not the case. He clarified that the planning commission represents the city as a whole. There is nothing wrong with having geographic representation, but is not required by law.

Mr. Nay commented that the city does not want to lose quality commissioners because they choose to stay within their community but move to a different neighborhood.

The commission members requested that the geographic wording be revised to include the idea of having geographic representation being weighted heavily, but not be mandated as a

Planning Commission Meeting

June 2, 2016

Page 11

requirement to serve on the planning commission and this item be continued to the June 16th meeting.

The hearing was opened for public comment. No comments were made.

Mr. Swaney made a motion that this item be continued to the June 16th Planning Commission meeting for additional discussion. Seconded by Mr. Woodbury.

Call vote recorded by Mr. Christensen.

A Buck Swaney
A Scot Woodbury
A Phil Markham
A Travis Nay

Motion passed 4-0.

OTHER BUSINESS

There was no other business.

Meeting adjourned at 7:24 p.m.


Jared Hall, Manager
Community and Economic Development