

Minutes of the Planning Commission meeting held on Thursday, June 16, 2011, at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Tim Taylor, Chair
Karen Daniels, Vice-Chair
Sheri Van Bibber
Jim Harland
Ray Black
Tim Tingey, Community & Economic Development Director
Ray Christensen, Senior Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Jeff Evans
Kurtis Aoki

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 Department.

Mr. Taylor opened the meeting and welcomed those present.

APPROVAL OF MINUTES

Sheri Van Bibber made a motion to approve the minutes of June 2, 2011 as written. Seconded by Ray Black.

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

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Karen Daniels made a motion to approve the Findings of Fact for Conditional Use Permits for Mini of Murray, the Heritage Center and Shaunna Muir from the June 2, 2011 meeting. Seconded by Jim Harland.

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

JOSHUA CARSON – 1385 East 5360 South – Project #11-50

Joshua Carson was the applicant present to represent this request. Ray Christensen reviewed the location and request for a Conditional Use Permit for an accessory dwelling unit in the basement of the existing dwelling at the property. Municipal Code Ordinance 17.78.030 allows an accessory dwelling unit within the R-1-8 zoning district subject to Conditional Use Permit approval. The proposed accessory dwelling unit will contain 710 sq. ft. which will include a living room, kitchen, bedroom and bathroom in the basement area. Access to the basement dwelling unit is from a stairway inside of the existing dwelling. The accessory dwelling unit ordinance allows for ADU's in residential zones subject to Planning Commission approval and

compliance with certain development standards. In addition to the standards for development, approval of an accessory dwelling unit requires submittal of evidence that the unit is the principal residence of the owner and an affidavit stating that the owner of the property will live in either the principal or accessory unit. The standards for accessory dwelling units require an additional two off-street parking spaces besides those required for the principal unit and in no case shall be less than four spaces. The house has a two car garage and paved driveway for additional parking. The submitted plan shows adequate space available for off-street parking to accommodate the required four spaces. The dwelling meets the required setbacks for the R-1-8 residential zone. The information from Salt Lake County Recorders' office indicates the existing dwelling was constructed in 1971. The ordinance limits the size of accessory dwelling units to 1,000 square feet. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Joshua Carson, 1385 East 5360 South, confirmed that he has reviewed the staff report and will meet the conditions. He stated that he was living in the home with his grandmother and that when she passed away he could not afford the mortgage on his own. He said that he rents out the basement to friends to help with his finances.

Mr. Taylor opened the meeting for public comments.

Allen Child, 1383 Lakewood Circle, stated that he lives on the street just south of Mr. Carson. He said that he doesn't know the Carson's, but commends them for going through the proper procedure to make the rental legal. He said that there are many others in the area that rent out their basements illegally. Mr. Child said that he is against allowing multiple family units in single family homes because numerous cars end up parked on the street and cause problems. He stated that he thinks allowing multiple family units will result in property values dropping.

Pat Hansen, 1347 East 5440 South, stated that she also lives in the same subdivision. She said that she is strongly opposed to this project and has been working with Officer Roland to address problems related to home rental. She stated that the homes are built very close together and parking is a concern.

Joshua Carson stated that he understands parking concerns, but his property has enough parking for up to 7 vehicles. He said that he knows there are basements being rented illegally. He stated that he is a good neighbor and helps a number of elderly people nearby. He said that he simply cannot afford the mortgage by himself.

Karen Daniels stated that it seems like parking is always a concern in relation to accessory dwelling units and that the property owner should advise renters that they are not to park on the street. Mr. Carson said he has a neighbor across the street that would allow parking in her driveway if needed.

Mr. Taylor closed the public comment portion of this agenda item.

Ray Black said that when an accessory dwelling unit is legal, then neighbors have leverage in resolving problems because the property owner must sign an affidavit and

file it with the county and standards must be met. He said that if all of the requirements are met, then the property owner is entitled to have an accessory dwelling. Mr. Taylor stated that the city has worked hard to craft this ordinance in such a way that people are allowed to rent out the basement without having it look like a basement apartment. He said that they must use the same entrance and that there is only one gas meter.

Jim Harland said that he also applauds the Carson's for coming forward and going through the correct process. He asked what options are available for the neighbors related to other problems in the neighborhood, such as parking issues. Tim Tingey replied that unapproved accessory dwelling units are enforcement issues, and if complaints are made then the situation will be investigated. He said that there could be a cease and desist demand or a property owner could go through the process to make the dwelling unit legal. He stated that certain standards must be met if an accessory dwelling is approved and that revocation can take place if the conditions are not adhered to.

Karen Daniels made a motion to approve the Conditional Use Permit for a basement accessory dwelling unit for Joshua Carson at 1385 East 5360 South, subject to conditions:

1. The project shall meet all applicable building code standards and shall meet all current fire codes. Accessory Dwelling Units shall meet requirements of 2009 IRC section R302.3,314,315 etc. as determined from plans submitted for review and a site visit from a Murray City Building Inspector before the issuance of the permit. The dwelling will need to have hardwired interconnected smoke detectors on each floor level and the interior stair connection between the floor levels must remain in place.
2. The applicant shall submit evidence that the property is their principal residence and shall submit an affidavit stating that they are the owner of the property and that they will live in either the primary or accessory unit as their principal residence. The affidavit shall also indicate that the second unit is an accessory unit and that a future purchaser of the property will be required to reauthorize the accessory dwelling in order to continue the use. Once the affidavit has been approved by City staff, it shall be recorded against the property. A copy of the recorded affidavit shall be provided to Community and Economic Development Staff.
3. Separate utility meters shall not be allowed.
4. Meet all Murray Power Department requirements.
5. The project shall meet all current fire codes.

Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A _____ Ray Black

A _____ Jim Harland

A _____ Karen Daniels

A _____ Sheri Van Bibber

A _____ Tim Taylor

Motion passed, 5-0.

RICHARD HALL – 799 West Lucky Clover Lane – Project #11-53

Douglas Payne was present to represent the homeowner for this request. Tim Tingey reviewed the location and request for a Conditional Use Permit for an accessory dwelling unit for the property addressed 799 W. Lucky Clover Lane. Municipal Code Ordinance 17.78.030 allows an accessory dwelling unit within the R-1-8 zoning district subject to Conditional Use Permit approval. The applicant has expressed a desire to establish a second kitchen in the lower level of his residence. Currently, a second kitchen in a single family residence is only allowed under approval of an accessory dwelling unit. The proposed unit will not have a separate entrance and is proposed to be 990 square feet in area which complies with the maximum size requirements of the ordinance. The applicant has submitted a site plan showing that adequate parking exists on site to meet the required parking standard of four off street parking spaces. Mr. Tingey stated that the applicant has indicated that they don't intend to rent out the space but want to have the option available. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions. Mr. Tingey stated that the affidavit is a critical part of the conditions, and stated that the property owner must reside in either the primary or accessory unit as their principal residence.

Tim Taylor stated that the last agenda item had an additional condition that stated all Murray Power Department requirements will be met. Mr. Tingey responded that this particular property has been through the site plan review process and it was determined that the site already meets the Power Department requirements.

Douglas Payne, 704 Clovercrest Drive, stated that he is the authorized representative of Richard Hall. Mr. Payne confirmed that he has reviewed the conditions in the staff report and said that Mr. Hall will be able to comply with them. He stated that the property owners plan to use the accessory dwelling unit when their children come home to visit. Mr. Payne thanked Mr. Tingey for assisting the property owners in making the application.

There were no comments from the public in relation to this agenda item.

Ray Black made a motion to approve a Conditional Use Permit for an accessory dwelling unit at the property addressed 799 West Lucky Clover Lane, subject to conditions:

1. The project shall meet all applicable building code standards. **Note:** In order to meet building code standards, the units will be required to have or the applicant shall install hard wired, interconnected smoke detectors.

2. The project shall meet all current fire codes.
3. The applicant shall submit evidence that the property is their principal residence and shall submit an affidavit stating that they are the owner of the property and that they will live in either the primary or accessory unit as their principal residence. The affidavit shall also indicate that the second unit is an accessory unit and that a future purchaser of the property will be required to reauthorize the accessory dwelling in order to continue the use. Once the affidavit has been approved by City staff, it shall be recorded against the property. A copy of the recorded affidavit shall be provided to Community and Economic Development Staff.
4. Separate utility meters shall not be allowed.

Seconded by Karen Daniels.

Call vote recorded by Ray Christensen.

A _____ Ray Black
A _____ Jim Harland
A _____ Karen Daniels
A _____ Sheri Van Bibber
A _____ Tim Taylor

Motion passed, 5-0.

BIRKHILL APARTMENTS, Phase 1 – 4221-4277 South Main Street – Project #11-54

Hooper Knowlton was the applicant present to represent this request. Tim Taylor clarified that the objective for this agenda item is only to discuss the subdivision of the property and that specific site plan issues will not be addressed. Tim Tingey reviewed the location and request for a vacation of the existing Fireclay Office Park Phase I Subdivision and preliminary and final subdivision approval for Phase 1 of Birkhill Apartments Subdivision. The subject property is addressed 4221-4277 S. Main Street. Municipal Code Ordinance 16.04.050 requires the subdivision of property to be approved by Murray City Officials with recommendation from the Planning Commission. Section 17.58 authorizes the Planning Commission to approve residential infill subdivisions. The applicant proposes to vacate the existing Fireclay Office Park Phase I Subdivision and to plat a new subdivision in its place. The subdivision is proposed in conjunction with development of a multifamily development. The proposed subdivision consists of two lots and street dedication. The applicant will dedicate an additional portion of Gilbride Avenue along with approximately half of an unnamed north-south running street serving future phases of the proposed development. A small right-of-way vacation is proposed along Gilbride and Main Street. The Gilbride vacation is proposed in order to take advantage of the alternate street section for residential streets in the Fireclay TOD Plan. A separate action by the City Council is required for vacation of the street. 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 an advisory body to the Mayor and shall make investigations, reports and recommendation on proposed subdivisions as to their conformance to the general plan, zoning code and other pertinent documents as it deems necessary. Following the Commission's review and recommendation of a subdivision application, it will be forwarded to the Mayor for final approval. The plat is then forwarded to the Salt Lake County Recorder's office for review and recording. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Hooper Knowlton, 2725 E. Parleys Way, #120, stated that he has reviewed the conditions contained in the staff report and confirmed that he will meet them. Mr. Knowlton said that he has worked with staff to identify and work through issues and he looks forward to recording the plat.

Mr. Taylor stated that this application is a formal public hearing item and opened the meeting for public input. There were no comments made by the public and the public hearing portion was closed.

Karen Daniels made a motion to send a recommendation of approval to the Mayor for the vacation of the existing Fireclay Office Park Phase 1 Subdivision and preliminary and final subdivision approval for Phase 1 of Birkhill Apartments Subdivision, located at 4221 – 4277 S. Main Street, subject to conditions:

1. Meet the requirements of the Murray City Engineer for the recording of the plat at the Salt Lake County Recorders Office.
2. Show utility easements on all of the lots meeting the subdivision ordinance regulations to the satisfaction of the City Engineer and impacted utilities.
3. A Murray City Land Disturbance Permit (LDP) is required. This permit will need to be issued prior to beginning site work.
4. The applicant shall meet all bonding requirements for on-site and off-site improvements.
5. The proposed right-of-way vacation will require a separate action by the Murray City Council.
6. The project shall meet all applicable building code standards.
7. The project shall meet all current fire codes.
8. Meet all Murray Power Department requirements.
9. Meet all Murray City Water and Sewer division requirements.

Seconded by Jim Harland.

Call vote recorded by Ray Christensen.

A ___ Ray Black

A ___ Jim Harland

A ___ Karen Daniels

A ___ Sheri Van Bibber

A ___ Tim Taylor

Motion passed, 5-0.

TONY REZAC – 5668 South Bullion Street – Project #11-49

Tony Rezac was the applicant present to represent this request. Ray Christensen reviewed the location and request for a zoning map amendment from an A-1 (agricultural) zone to an R-1-8 (residential) zone for a portion of the property addressed 5668 South Bullion Street. The property is located on the west side of Bullion Street. Mr. Christensen stated that the zone change is consistent with the general plan and that the new .29 acre residential building lot will be situated with frontage on Bullion Street. He said that the balance of the property will remain in the A-1 zone. Staff recommends that the Planning Commission forward a recommendation of approval to the Murray City Council for the requested zone change from A-1 to R-1-8 because it is consistent with the Murray General Plan.

Tony Rezac, 5668 South Bullion Street, stated that he is subdividing the property so that his grandson can build a home. He said that he has used much of the property for agricultural purposes through the years and wants to keep it within the family.

Tim Taylor opened the public hearing portion of the meeting.

Chris Nelson, 1034 Aaron Park Circle, stated that he lives across the street from Mr. Rezac. Mr. Nelson said that he supports this zoning amendment for Mr. Rezac and that he is a very good neighbor. He stated that he would appreciate sensitivity in regards to the new structure reflecting others in the neighborhood. Mr. Nelson asked how the new lot will be accessed.

Tim Taylor stated that it appears that the access will be off of Bullion Street.

There were no additional comments from the public. Mr. Taylor closed the public hearing.

Tim Tingey explained that tonight the Planning Commission will be providing a recommendation to the City Council, and that this is not the final approval. He said that it will be approximately one month before the Council considers this item. Mr. Taylor asked if the site plan review has been completed at the staff level. Mr. Tingey said that any future subdivision plans or rezoning at this site will require additional review by the Planning Commission.

Ray Black made a motion to send a positive recommendation to the Murray City Council for a zoning map amendment from A-1 to R-1-8, for a portion of the property addressed 5668 South Bullion Street. Seconded by Sheri Van Bibber.

Call vote recorded by Ray Christensen.

A ___ Ray Black

A ___ Jim Harland

A ___ Karen Daniels

A ___ Sheri Van Bibber

A ___ Tim Taylor

Motion passed, 5-0.

OTHER BUSINESS

Tim Tingey stated that the city is going through a reorganization process that was discussed last week at the Committee of the Whole and again during an employee meeting. He said that the City Council will be approving a budget on June 21, 2011 that includes the reorganization component. Mr. Tingey stated that there will be a change to the ordinance on July 12, 2011 to implement the reorganization. He said that the Community and Economic Development Department will be impacted by the change. He explained that recommendations have been made to create a new department called Administrative and Development Services, and that he has been asked to fill the role of Director for this department. He said that there will be six divisions in the department, with Community and Economic Development, Geographic Information Systems, Information Technology, Treasurer's Office, Recorder's Office and the Building Department. Mr. Tingey stated that there will be a new Division Manager hired to oversee the Community and Economic Development functions. He said that the purpose of the reorganization is for cost savings, and that through an early retirement incentive a number of department heads retired. He said that the change is not official until an actual appointment is made on July 10th but that the Council seems to be supportive of the changes. Mr. Tingey said that he still plans to be involved in Planning Commission issues.

Mr. Taylor asked about the hiring process for the new positions. Mr. Tingey replied that it will be approximately 2 weeks to go through the hiring process, but that nothing is official until the Council has adopted the budget and the ordinance changes have been approved. He said that the Mayor has requested that he move his office to City Hall, and that business licensing employee's will be moved to Community and Economic Development because the divisions are often dealing with the same issues.

Meeting adjourned.

Tim Tingey, Director
Community and Economic Development