

Minutes of the Planning Commission meeting held on Thursday, June 21, 2012 at 6:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Jim Harland, Chair
Ray Black
Phil Markham
Vicki Mackay
Chad Wilkinson, Division Manager
Ray Christensen, Senior Planner
Citizens

Excused: Karen Daniels, Vice-Chair
Tim Taylor

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.

Jim Harland opened the meeting and welcomed those present. He reviewed the public meeting rules and procedures.

APPROVAL OF MINUTES

Mr. Markham made a motion to approve the minutes for June 7, 2012. Mr. Black seconded the motion.

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

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

APPROVAL OF FINDINGS OF FACT

Mr. Black made a motion to approve the June 7, 2012 Findings of Fact for Conditional Use Permits for Redi Insulation, Snowbird Motors, Larry H. Miller Used Cars and Tony's Social Club.

Seconded by Mr. Markham.

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

CATALINA OCHOA – 5951 South Belview Avenue – Project #12-68

Catalina Ochoa was the applicant present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval to construct a new detached accessory dwelling unit. The property is located within the R-1-8 zoning district. The owner is also constructing a new 408 sq. ft. residential addition onto the back of the 1,017 sq. ft. existing house in order to allow the accessory dwelling to be 569.25 sq. ft. which is 40 percent of the primary dwelling. 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 height of the accessory dwelling unit is 13 ft. The ADU ordinance allows for the approval of a detached second dwelling unit in a single family residential zone providing the owner resides at the property as their principle residence and meets several design standards. The ordinance limits the size of accessory dwelling units to 1,000 square feet or 40 percent of the square footage of the primary structure whichever is less. The applicant is proposing a 569.25 sq. ft. accessory dwelling unit which is 40% of the total house area with the addition. The proposed dwelling unit includes one bedroom. The Murray Land Use Ordinance requires a minimum lot size of 12,000 sq. ft. for a detached dwelling unit. The lot size is 17,424 sq. ft. The ordinance prohibits the installation of separate utility meters for accessory dwelling units in order to maintain the single family residential character of neighborhoods. 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 less than 4 spaces. The submitted plan shows adequate space available for off-street parking for four parking stalls. The buildings comply with the required setbacks for the R-1-8 zone district and accessory dwelling unit setback requirements. Access to the property is from Belview Avenue. The applicant said there is a gate with access to the private lane to the east of this property. Based on the information presented in this report, application materials submitted and the site review, staff recommends approval subject to conditions.

Mr. Markham asked if the accessory building could be rented out. Mr. Christensen replied in the affirmative, but added that the applicant has stated that related family members will be living in the accessory dwelling. As long as the owner of the property lives in one of the buildings, they are allowed to rent it out to non-related person(s).

Catalina Ochoa, 5951 South Belview Avenue, stated that the accessory dwelling will be occupied by her parents and there are no plans to rent it out.

Mr. Harland asked Ms. Ochoa if she lives in the primary house. Ms. Ochoa's response was in the affirmative. Mr. Harland asked Ms. Ochoa if she has read through the conditions of approval and if she is willing to comply. Ms. Ochoa responded in the affirmative. Mr. Markham asked if Ms. Ochoa had looked into installing sewer to the accessory dwelling. Ms. Ochoa responded in the negative. Mr. Markham stated that depending on the depth of the sewer line in the street, could make it problematic or a sewer pump may need to be installed.

The meeting was opened up for public comment.

Paul Dodge, 5969 South 450 East, stated that the property owners on 450 East (a private lane) have a concern relating to the use of the private lane during the construction of this project as well as where the driveway access will be. The access to the utilities is also a concern. Ms. Ochoa is a new owner of the property and there were no prescriptive easements when the property was sold; therefore she has not obtained those rights. Any additional burden put on the private lane would erase all the prescriptive rights of any person using the lane. Mr. Dodge has concerns about parking and access on/from Belview Avenue. He stated that any access that is granted from 450 East is a courtesy and that they don't have the same rights as on a public street to access the properties on Belview Avenue.

Mr. Harland asked if there is a driveway access to the subject property from 450 East. Mr. Dodge reiterated that 450 East is a private lane; therefore any access granted to residents on Belview Avenue is merely a courtesy. There are a few residents that have put up gates for occasional recreation vehicle storage access, but the residence of 450 East do not want people using it as a driveway access to their lots on Belview Avenue.

Mr. Harland asked who the actual owners are of the private lane. Mr. Dodge stated that the property in front of an individual's residence is required to be maintained by that resident as well as pay the property taxes. He stated there is no assistance from Murray City on maintaining the lane.

Mr. Black asked if the private lane in front of each residence is a deeded piece of property. Mr. Dodge responded in the affirmative, and stated that the lot includes the private lane.

Mr. Harland asked Mr. Dodge if during construction the applicant wanted or needed to use the private lane for access, how they would go about getting permission. Mr. Dodge responded by saying that there would have to be a discussion between the neighbors as to whether or not they would want to allow it.

Geneal Smith, 5961 Belview Avenue, asked what would happen if the applicant sold the house, and could the accessory dwelling still be rented. Mr. Wilkinson stated that by definition an accessory dwelling has to have an owner living in one of the two units. Therefore, the use is contingent on the owner of the property living in one of the two dwellings. Mr. Harland made note that this is one example where the conditional use does not stay with the property, and it must be reauthorized every time there is a new owner.

Fabiola Busch, 784 East Southwood Drive, stated that one reason they like this neighborhood so much is because there are concerned people that love their homes and take care of their homes. She understands the concerns raised by the neighbors. She stated that when her parents move to this location, it would be nice to have the approval to use the private lane so that the move is made easier.

Ms. Ochoa stated that before she purchased the property she did look into different ways in which to access the property. She stated that they do not intend to use the private lane for daily use. However, occasionally she might need to use the private lane to drop off heavy things onto her property. There already is plenty of parking in front of the house and they do have a two car garage.

Mr. Harland asked if they will be using the private lane while building the accessory dwelling. Ms. Ochoa stated that if they were not able to get access off the private lane, they would take down the chain link fence on the side of the house to access the location the accessory dwelling. Mr. Harland stated that Ms. Ochoa would need to work out getting permission to use the private lane from the property owners of that private lane and take care of any damages that may be caused during its use.

The public comment portion for this agenda item was closed.

Mr. Black made a motion to approve a Conditional Use Permit for a detached accessory dwelling unit at the property addressed 5951 South Belview Avenue, 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 unit shall meet requirements of IRC sec. R 317 (Dwelling unit separation).
4. The applicant will need to 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. 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.
5. Comply with all Murray Water and Sewer Department and Power Department requirements.

Ms. Mackay seconded the motion.

Call vote recorded by Mr. Wilkinson.

A _____ Ray Black

A _____ Vicki Mackay

A _____ Jim Harland

A _____ Phil Markham

Motion passed, 4-0.

OCTAPHARMA PLASMA, INC. – 5414 South 900 East – Project #12-68

Dennis Bowman and Carly Larpepa were the applicants present to represent this request. Ray Christensen reviewed the location and request for Conditional Use Permit approval for a blood plasma collection center in the existing Oak Wood Shopping Center. The property is located within the C-D-C (commercial) zoning district. Municipal Code Ordinance 17.160.030 allows a blood plasma collection center use within the C-D-C zoning district subject to Conditional Use Permit approval. The applicant plans to remodel two lease spaces into one. The combined units will contain 11, 700 sq. ft. floor area. The information provided by the applicant indicates there will be up to 26 donations per hour and average about 39 donors in the facility at any given time. The average number of combined donors and employees at any given time are between 43 to 60. Adequate existing parking stalls are provided in the Oak Wood Shopping Center for the proposed use. The parking lots are shared use between the various businesses uses in the existing buildings. Parking calculations were provided by the architects for the total property. The parking plan for the development shows a total of 616 parking stalls provided and 545 stalls

required for the business uses. The building complies with the setback requirements of the C-D-C zone. The landscaping on the site is existing and was approved and installed with the original development project. Access into the site is from 900 East Street and Woodoak Lane. Based on the information presented in this report, applications materials submitted and the site review, staff recommends approval subject to conditions.

Dennis Bowman, 1684 Saddlewood, Drive, Fort Mill, South Carolina, stated he is the director of facilities with Octapharma Plasma. He stated there is currently a center near the University of Utah; however, that center is too small, so they would like to expand and have chosen this location for the expansion. Their architect has come out to review the details. They do not have a signed lease as of yet. That is all dependent on this Conditional Use being granted. All of the centers are medical facilities that draw blood. After the draw there is a centrifuge which separates the red and white blood cells into one component and the plasma into another. All the blood cells go back into the donor and the plasma is extracted and kept. The process takes anywhere from 45 minutes to an hour. The average donor will donate approximately 20 donations per year. The facility also has electronic kiosks where the donor signs in and exam rooms where new donors will be examined. The first half of the building is designed for donors the back half has freezers for the donations. This is a highly regulated industry and typically they exceed any codes and requirements for the municipality they are in. There is bio-waste in the back of the building that has its own door, training center and break room areas as well. The back access to the building is ideal for receiving and shipping supplies and for employee parking.

Mr. Harland asked if they have a backup generator for the freezers. Mr. Bowman explained that not every location has a backup generator. If there is a power outage they rely on what is called a "field trip". They locate dry ice vendors in the area, call in a freezer truck, extract the product out of the storage facility and ship it to Kentucky. All of the plasma will go to Europe. The location seems to be a great location for Octapharma Plasma, Inc. as it is near a bus route and provide signage possibilities on two streets.

Mr. Harland asked how many employees will be working at the facility. Mr. Bowman stated that approximately 18-19 and then as it ramps up they are projecting 21 employees. Mr. Harland asked if these will be new employees or people that will be moving here from other facilities.

Ms. Larpepa stated that a lot of their current employees will be moving over to the new facility. They will also be looking to hire new employees.

Mr. Markham asked if Ms. Larpepa could describe a typical donor. Ms. Larpepa stated that there are typically a lot of university students as well as business people that poses a permanent address, social security number and another form of I.D. They are looking for anyone that is willing to donate and receive compensation for that donation.

The meeting was opened for public comment. No comments were made by the public.

Mr. Black made a motion to approve a Conditional Use Permit for a blood plasma collection center for the property addressed 5414 South 900 East, subject to the following conditions:

1. The project shall meet all applicable building code standards. The Building Official requires stamped and sealed plans by appropriate design professionals to include code analysis and egress plan.
2. The project shall meet all current fire codes.
3. All trash containers shall be screened as required by Section 17.76.170.
4. Comply with Salt Lake County Health Dept. approval and permits.
5. All of the parking stalls shall be paved and striped, including disabled stalls with signs, to comply with the parking ordinance and ADA regulations.
6. The two electric meters shall be combined onto one meter for a single unit as required by the Murray Power Department.

Ms. Mackay seconded the motion.

Mr. Harland asked Mr. Bowman if he is willing to comply with all the conditions. Mr. Bowman responded in the affirmative.

Call vote recorded by Mr. Wilkinson.

A _____ Ray Black
A _____ Vicki Mackay
A _____ Jim Harland
N _____ Phil Markham

Motion passed, 3-1.

Mr. Bowman asked what the process is for them from here on out. Mr. Wilkinson stated that there is an appeal period of 30 days from the written decision. There is nothing that would prevent the applicant from moving forward. This is the recorded decision unless it is appealed within 30 days.

DISCUSSION ITEMS

LANDSCAPING ORDINANCE AMENDMENT – Chapter 17.68 - Project 11-28

Mr. Wilkinson reiterated that this was an ordinance discussed with the Planning Commission 5 or 6 months ago. Not only did Staff feel that there were inconsistencies within the Landscaping Ordinance, but developers/applicants in the industrial zone requested that Staff look into xeriscaping as an option for that zone. Examples were shown to the Board members with all the different forms of landscaping that is allowed with the current ordinance and the wide disparity between shrubs, turf, ground cover,

etc. This amendment allows for some flexibility for developers, but it also brings up the question of what the minimum requirement should be. An example of the language that Staff would like to see would be to require "X" amount of trees per 100 linear feet of frontage, allow some clustering, allow minimum of 5 gallon and 1 gallon shrubs per 100 linear feet as well as ground cover and mulch type treatments.

Mr. Wilkinson asked for discussion and input from the Board in regards to parking lot landscaping. The proposed text would require parking islands on the end of each row of parking stalls. This would only apply to parking lots with 50 spaces or greater. Another option would be to require landscaping to be a certain linear distance from every parking space which would evenly distribute landscaping throughout the site.

Mr. Harland asked if this was to be based on minimum percentages. Mr. Wilkinson stated that there were two options, one being a minimum percentage of coverage, the other being a minimum square footage of landscaping. Mr. Harland expressed that he likes the idea of having the landscaping dispersed among a large open area. Ms. Mackay expressed that she does not like that look, but does like having the landscaping at the end of the rows. Mr. Harland asked who would be monitoring the landscaping. Mr. Wilkinson stated that the City Forester approves the plans. Previously there has been some expertise at the Power Department, but that no longer exists. Both Mr. Harland and Mr. Markham stated that they feel there needs to be a landscape architect overseeing this new ordinance. Mr. Wilkinson responded by saying that monitoring would predominately done by community development staff working in conjunction with the landscape architect on the developers side. One possibility would be to have stamped landscape architect plans, but that has not happened as of yet. Another option may be to have a landscape architect certify that the plan the developer has made will work and will have sufficient water, etc. There would be a bit of a pushback on some of the smaller projects.

Mr. Markham asked if there could be some kind of minimum size requirement before any regulations require a landscape architect kick in. Ms. Mackay stated she doesn't want to see a large expense such as requiring a landscape architect for some of the smaller businesses.

Mr. Harland added that the possibility of having a required minimum size and value might work better for the smaller businesses. Mr. Wilkinson stated that when an applicant walks in the door, they should know what each person is going to require of them.

Mr. Markham asked if there regulations concerning residential landscaping. Mr. Wilkinson mentioned that there have been previous discussions regarding park strips and there will be more discussion in the future. There are some proposed standards for that which would require vegetative material. The issue that they want to make sure is addressed, pertains to xeriscaping. It is important that just because that type of landscaping uses less water it is still maintained and not ignored.

Mr. Black mentioned that there are various businesses that lease space and he feels that part of the responsibility of the landscaping should fall on the actual property owner.

Mr. Wilkinson asked the Board, of the two different options presented which one they would like Staff to pursue. Mr. Markham, Mr. Harland, Ms. Mackay and Mr. Black stated they were in favor of Staff pursuing landscaping to be a certain linear distance from every parking space which would evenly distribute landscaping throughout the site.

Mr. Harland asked who will be monitoring and enforcing the new ordinance. Mr. Wilkinson stated that the commercial side of the ordinance is easy as that will be monitored through Conditional Use Permits, Business Licensing, etc. Mark Boren handles all of the zoning enforcement and would be the person in charge of enforcement.

FOLLOW UP ORDINANCE TEXT AMENDMENT – Project #11-28

Mr. Wilkinson explained that there are roughly a half dozen references to the DHOD (Downtown Historic Overlay District) that has been located in the code over the last year. Those references need to be updated to say MCCD (Murray City Center District).

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development